

Kelley/Kidmarca/Hawkins

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

**2007-1091
(Serial No. 09/910,654)**

SOLICITOR

MAR 2 2007

U.S. PATENT & TRADEMARK OFFICE

IN RE RODGER BURROWS

**Appeal from the United States Patent and Trademark Office,
Board of Patent Appeals and Interferences**

**CORRECTED
OPENING BRIEF OF APPELLANT RODGER BURROWS**

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February 27, 2007

mlf

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

In re Burrows

No. 2007-1091

CERTIFICATE OF INTEREST

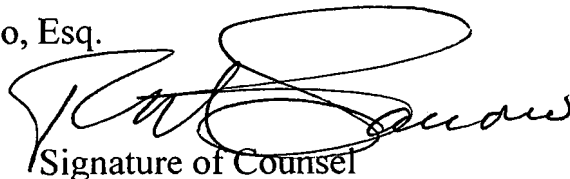
Counsel for the Appellant certifies the following:

1. The full name of every party or amicus represented by me is Rodger Burrows
2. The name of the real party in interest (if the party named in the caption is not the real party in interest) represented by me is: N/A
3. All parent corporations and any publicly held companies that own 10% or more of the stock of the party or amicus represented by me are: None
4. There is no such corporation listed in paragraph 3.
5. The name of all law firms and the partners or associates that appeared for the party or amicus now represented by me in the trial court or agency or are expected to appear in this court are:

Richard M. Saccocio, P.A.

Richard M. Saccocio, Esq.

Date: Feb. 27, 2007


Signature of Counsel

Richard M. Saccocio
Name of Counsel

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STATEMENT OF RELATED CASES

Appellant hereby states that there is no related appeal.

APPELLATE JURISDICTIONAL STATEMENT

Basis of Jurisdiction of the Court of Appeals for the Federal Circuit.

This Court has jurisdiction under 28 U.S.C. § 1295 (a) (4) (A) being an appeal from a final decision of the Board of Patent Appeals and interferences of the United States Patent Office with respect to the patent application of Rodger Burrows SN.: 09/910,654 filed on 07/20/2001 entitled Methods and Apparatus for Electronically Storing Travel Agent Coupons.

Said application was finally rejected on 08/08/2003 and which final rejection was timely appealed to the Board of Patent Appeals on 10/28/2003. In a decision dated 01/25/2005 the Board reversed the Examiner's final rejection but entered its own new ground of rejection under 35 U.S.C. 103 (a).

Appellant timely petitioned to reopen prosecution on 03/25/2005, submitted an argument in opposition to the Board's new ground of rejection, and submitted additional evidence. The Examiner issued another final rejection on 05/24/2005 which was substantially based on the Board's decision of 01/25/2005. On 06/01/2005, Appellant timely filed an appeal from the Examiner's final rejection of 05/24/2005. In a decision dated 09/06/2006 the Board affirmed the Examiner.

On 10/30/2006 Appellant timely file an appeal to this Court. Said Notice was received by this Court on 11/01/2006 and by the Solicitor on 11/02/2006 .

STATEMENT OF THE ISSUES

1. Whether the Airlines Reporting Corporation's (ARC) disclosure that the image of travel agent coupons could be saved on an optical medium (in lieu of the previous requirement that travel agents had to save hard paper specimens of the coupons) obviated, under 35 U.S.C. § 103 (a), Appellant's invention comprising the generation and storage of coupon data that could later be electronically viewed and printed as an actual image of the agent coupon, in view of the facts that ARC expressly stated that it was up to the travel agents to determine how to optically store the images and that ARC expressly stated that we are not talking about creating a data base.
2. Whether the Board's decision of Sept. 6, 2006 fails to establish a prima facie case of obviousness.
3. Whether the disclosures of ARC teach away from the claimed invention.

STATEMENT OF THE CASE

NATURE OF THE CASE

This is an appeal from a final decision of the Board of Patent Appeals and Interferences affirming the Examiner's final rejection of Appellant's patent application. The final rejection and the board's decision was based on obviousness under 35 U.S.C. § 103.

In its decision, the Board rejected Appellant's argument that a prima facie case of obviousness was not established; that there is a significant difference between an image and data; that the disclosures of ARC did not teach Appellant's invention; and, that the disclosures of Arc actually teach away from Appellant's invention.

COURSE OF PROCEEDINGS

On January 9, 2001, Appellant filed his provisional patent application.

On July 20, 2001 Appellant filed his application SN 09/910,654.

On Jan. 21, 2003 Appellant filed a petition to Make Special alleging infringement by ARC, which petition was subsequently granted. The petition included some 24 references, Arc statements, and Travel Weekly announcements.

On May 5, 2003 a non-final rejection of all of the claims was issued.

On July 8, 2003 Applicant filed an amendment and response to the OA of May 5, 2003 including therewith three new references from the Travel News Weekly.

On August 8, 2003 the Examiner issued a final rejection of all claims. On Oct. 17 2003 Appellant filed an amendment after final which was entered for purposes of appeal.

On Oct 28, 2003 Appellant filed his notice of appeal to the BPAI. Subsequent to briefing and oral argument, on Jan 25, 2005 the Board issued its decision reversing the Examiner but entering a new ground of rejection based only on obviousness.

On March 25, 2005 Appellant filed his request to reopen prosecution submitting new items of evidence.

On May 24, 2005 the Examiner issued a final rejection essentially based on the Board's decision of Jan. 25, 2005.

On June 1, 2005, Appellant filed his appeal to the BPAI. Subsequent to briefing and oral argument, on Sept. 6, 2006 the Board issued its decision affirming the Examiner.

On Oct. 30, 2006 Appellant filed his notice of appeal to this Court, including the payment of \$455.00. Said Notice was received by the Solicitor on 11/02/2006

On Nov.1, 2006 after a conversation with the Clerk of the Fed. Cir.,
Appellant mailed the two BPAI decisions to the clerk.

DISPOSITION OF THE AGENCY BELOW

The BPAI of the Patent Office in a final decision mailed on Sept. 6, 2006
affirmed the Examiner's rejection of all of the claims.

CITATION OF PUBLISHED DECISION

None.

STATEMENT OF THE FACTS

1) INTRODUCTION

A brief summary of the relationship of the parties referred to in the Documents submitted by Applicant and or relied on by the Board below which form part of the record on appeal is deemed helpful to allow the Court to fully consider the issues herein. This relationship summary is not new or argument.

The below background information is all contained in the original patent application and or scattered throughout the various documents that are part of the record below. Inasmuch as it comprises background information and not adversarial argument, reference to the appendix is not deemed necessary, unless of course, the Court or the Solicitor requires the citations, then they will be provided.

a. ARC

The Airline Recording Corporation (ARC) is a quasi independent Organization funded by the airline industries that interfaces with independent travel agencies that issue airline tickets and from time to time issues policy statements intended to further the goals of the airline industry and provide uniformity to the issuing of airline tickets by the independent travel agencies and the records kept by the travel agencies. Thus, ARC may be said to be the policy

arm of the airline industries vis-a-vis the independent travel agencies in the field of airline reservations, tickets, and associated records.

ARC publishes an Industries Agent Handbook (IAH) that is required to be followed by the independent travel agents in conducting their business involving the issuance of airline flight reservations and flight tickets. In accordance with the IAH, at the time of Appellant's invention (2000), travel agents were required to exactly follow the procedures stated by ARC in the issuance of airline tickets. Inasmuch as once an airline ticket is issued and the purchaser uses the ticket, the airlines industries has no record of the ticket transaction. Accordingly, ARC required the travel agents to produce a hard copy of the transaction comprising an "agent coupon" on business card stock measuring some three inches high and eight inches wide. Moreover, ARC required the travel agents to maintain each agent coupon for a minimum of two years. Or, the travel agents were allowed to maintain the records on microfiche or microfilm (A. IAH , p. 064, 065)

b. Appellant

Appellant is an individual who operates an independent travel agency under the designation TravAutomation. As such, Appellant is not employed by ARC, but is subject to the policies of ARC as set forth in the IAH, including the then requirement to save hard copies of the agent coupons for at least two years.

c. Travel Weekly News

Another party reflected in the Appendix is the Travel Weekly News which is an independent weekly publication that reports on various travel related news, which news is accessible to the independent travel agencies and ARC. As further reflected in the Appendix, the Travel News Weekly reports on Travel Agent Issues which concern ARC's policies and requirements in general, including, the subject matter of the invention herein.

2. OPERATIVE FACTS

In a meeting of Sept. 29, 1999 ARC announced that it would soon be allowing accredited entities to store agent coupons on optical disc rather than paper. (A. p. 070)

In a meeting of Oct. 27, 1999, it was announced that the 2000 IAH was to be updated to allow the storage on other Optical Storage Media in addition to microfiche. (A. p. 074)

In the minutes of an ARC meeting of Sept. 15, 2000 it was reported that ARC asked to see if any vendors have the capability to optically store agent coupon information or be willing to develop such. (A. 062, 063).

In both the 2000 and the revised IAH of 2005, ARC that the two year storing hard paper copies of the agent coupons was still a requirement, but in the

alternative announced that an agent may upon written notice and approval maintain the agent coupons on an optical storage medium, but that they must be direct, complete and accurate reproductions of the originals. (A. p. 065, 079)

In the meeting of Nov. 2, 2000 it was stated that agents can now print agent coupons on non accountable stock or capture the coupon data on an optical media and in the long run ARC will develop the ability to produce agent coupons on demand from ARC's data warehouse. (A. p. 086). Thus, as of Nov. 2, 2000 ARC did not have the capability or know how to produce agent coupons on demand from its data warehouse. It was also stated by ARC that agents now have the option to pursue their own solutions; but they needed to be certified by ARC.

In Oct. 18, 2000, Appellant had completed his invention and submitted a proposal to ARC in response to ARC's invitation to invent (A. p.013). A provisional application was filed on January 9, 2001.

Appellant demonstrated it to members of ARC on Jan. 18, 2001 (A. p.089). On Jan. 19, 2001 after the demonstration by Appellant , the members of ARC witnessing the demonstration were obviously very much impressed with Appellant's invention and wrote to David Mitchell and Jim Manning of ARC stating "The agent coupons can be printed on demand and it is a facsimile of the agent coupon (I will fax you both a copy of the printed agent coupon)" (emphasis

in the original). Later in this document it was stated that “Tom Mistrot advised Burrows that his program would be certified for electronic storage” (A. p. 089A)

In an undated invitation By ARC to “Go Electronic” ARC admits that it has not yet developed its electronic storage of agent coupons. (A. p. 091, entitled “Electronic Storage of Agent Coupons”). In the same reference, on page 092, last paragraph, ARC admits that they have approved Appellants solution. Thus, the undated document must have been published after Jan 19, 2001 being the date Appellant demonstrated his invention to Arc. Consequently, ARC has admitted that even after having the benefit of Appellant’s demonstration, ARC still had not developed a data storage system. In the same reference ARC states that in early 2000 it allowed travel agents to store the agent coupons on an optical disc. (p. 092, third paragraph from the end). Accordingly, ARC had not yet developed electronic storage of coupon information (not an image) but had already approved Appellant’s inventive solution which comprised storage of data on a hard drive.

In an office action of 05/01/03, the Examiner rejected the claims under 102(f) (i.e. that Appellant was not the inventor) and under 103 (a) over Friedes, 5,521,966 in view of the 2000 IAH , “(A., p. 131-151)

On July 8, 2003 Appellant filed an amendment and response to the O.A of 05/10/03(A., p. 156-167) Attached to the response were three reprints of articles from the Travel Weekly News, dated 65/31/00, 6/20/ 00, and 7/6/00. In these

articles, it was reported that ARC has allowed agents to capture the image of agent coupons on an optical storage device. That over the long term ARC will become the electronic storage vehicle. That unacceptable devices are computer hard drives; rather the optical storage must be a write once (WORM) and prevent overwriting. That “We [ARC] [are] not talking about selecting data elements, we’re talking about [using a different] media”. (A. p. 171). That it was up to the agents to figure how to do capture the image optically. (A. p. 168-172). That we’re are talking about capturing the image of the coupon, not creating a database. (A. p. 171)

On 08/19/2003, The Examiner issued a final rejection of all of the claims on the same basis as his earlier rejection. (A. p. 175-186)

On Nov. 17, 2003 Appellant filed his notice of appeal to the BPAI (A. p. 210) After an oral hearing, the BPAI issued its Decision reversing the Examiner but entering its own new ground of rejection under 35 U.S.C. 103 (a) stating that based on ARC’s disclosures, Appellant’s invention was obvious. (A. p. 294-306)

In a request to reopen prosecution, Appellant submitted new evidence comprising section 7.0 of the 2000 IAH, section 7.0 of the 2005 IAH , an article detailing how fax machines work, and a Declaration by Applicant . (A. p. 325-337) In his declaration, Appellant detailed how his invention was different from

anything disclosed by ARC and that his invention used the prohibited computer hard drive to electronically save coupon data and not an image. (A. p. 335)

On 05/24/2005 the Examiner again finally rejected all of the claims and the arguments of Appellant. (A. p. 340-346)

On 06/01/2005, Appellant filed his notice of appeal to the BPAI. (A. p. 360)

On Sept 6, 2006, the BPAI issued its decision affirming the Examiner's rejection refusing to admit the distinction of a disclosure and an invention to invent , as well as the significant difference between optically capturing an image and electronically storing data, stating that based on ARC's disclosures, Appellant's invention was obvious.. (A. p. 475-485)

On Oct. 30, 2006 Appellant filed his Notice of Appeal to this Court.

SUMMARY OF THE ARGUMENT

ISSUE NO. 1

Appellant's Invention Is Not Obvious

Appellant contends that the disclosures of ARC do not render Appellant's invention obvious under 35 U.S.C. § 103(a). In order for an obviousness rejection to stand the invention must not have been obvious at the time of the invention to a person of ordinary skill having knowledge of the prior art. The prior art cited by the BPAI consists only of the ARC documents and some vague references to the technology of Fax machines and networking.

The ARC documents taken as a whole or individually disclose only that Arc allowed agents to store images of the agent coupons on an optical media that could not be overwritten. The ARC documents also disclosed that ARC itself intended to create a database such that the agents need only send coupon information to ARC which would be maintained by ARC. However ARC never stated that its database would or could thereafter produce electronic images of the coupons. The ARC documents show that after Appellant had successfully demonstrated his invention it had given approval to Appellant (A. p. 089A); but at that time had not yet developed its own database system (A. p. 091). Accordingly, it is not possible for the ARC documents to have disclosed Appellant's invention. It is actually the other way around.

ISSUE NO. 2

Neither The Examiner Nor The BPAI Presented A Prima Facie Case Of Obviousness

In order to sustain a rejection based on obviousness, it is necessary that a prima facie case of obviousness be established. This requires that the teachings from the prior art itself would appear to have suggested the claimed subject matter to a person of ordinary skill in the art. The factual findings necessary to a prima facie case of obviousness are threefold: 1) the scope and content of the prior art are to be determined, 2) the level of ordinary skill in the art is to be determined, and 3) the differences between the prior art and the claimed invention must be determined. Another test used by this Court is that the burden can only be satisfied by showing some objective teaching in the prior art or knowledge that is generally available to one of ordinary skill to lead him to combine the references.

In its final decision the BPAI relied on the ARC documents in combination with the technology of fax machines and computer networking. As per the above and hereinafter, the only teachings of the ARC documents is that the agents can store the image of the agent coupon on optical media and yet ARC specifically stated that it was up to the agents to determine how to do so. Obviously there are no objective teachings in the ARC documents in that ARC said how to optically store coupon images was up to the agents. That it was common knowledge was

not shown by the BPAI. It may be argued that scanning an image onto an optical media was common knowledge, but such involves first producing an agent coupon so that it can be scanned. Such a known procedure does not meet the objective of eliminating agent coupons. Having produced the paper copy does not meet the criteria of going paperless. Even so, having a scanned image of the coupon does not address how to store multiple images for subsequent retrieval of a single coupon. Even more importantly, Appellant's invention does not store images of the coupons. Not one of the ARC documents objectively teach Appellant's invention of storing data and then being able to recreate the coupon image.

In its decision, the BPAI very confusingly attempted to overcome its inability to state a prima facie case by the use of circular reasoning stating a coupon image contains data and therefore storing a coupon image teaches storing data. Certainly, such argument is not plausible and therefore a prima facie case of obviousness was not established and the BPAI did not meet its burden of showing obviousness under section 103(a)

ISSUE NO 3

The ARC Disclosures Teach Away From Appellant's Claimed Invention

Appellant contends that there is no question that the ARC documents suggest but do not teach the optical storage of agent coupons as a means of eliminating storage of physical copies of the coupons. There are many statements in the ARC documents that clearly state that it was only acceptable to store agent coupon images (on optical media or microfiche). Similarly, there are many statements in the ARC documents that completely discourage any other type of storage especially the storage of data. Yet, Appellant's invention stores data and not images. Therefore, it must be said that the absence of data storage suggestions, and the complete disavowal of data storage in the ARC documents teaches away from data storage and teaches away from Appellant's invention.

ARGUMENT

ISSUE NO. 1

Appellant's Invention Is Not Obvious

The first issue to be addressed might be considered garden variety obviousness-which of course is perhaps one of the most beguiling principles of law to be applied to a factual situation. Attempts have been made to inject a degree of objectivity into the test (whether it would be obvious to a person of ordinary skill, etc.) whether the claims of and therefore the invention is obvious in view of the prior art. And, as is usual in the law, the statement of the legal principle is easier to state than apply. But, there are cases where the application of the test is relatively simple in that the facts readily fall into one of the two opposite conclusions. The difficult cases generally lie in a factual situation where the lines of the test are blurred and the conclusion can go one way or the other with almost equal rationale.

It is respectfully submitted that the issue of obviousness in the present factual situation falls into the category where the conclusion is readily apparent, i.e. that Appellant's claimed invention is not obvious. Even in such a category, there is always the tendency to discard the test and reach an inappropriate conclusion, especially where the claimed invention is relatively simple and straight forward. Yet, simplicity has been deemed to be true invention. See *Ewp*

Corp v. Relience Universal, 755 F.2d 898 (Fed. Cir. 1985) simple and obvious are not synonymous terms; *Sensonics, Inc. v. Aerosonic Corp.* 81 F.3d 1566 (Fed. Cir. 1996), simplicity does not establish obviousness; indeed, simplicity may represent a significant and unobvious advance over the complexity of prior devices.

With relatively simple inventions there is also the tendency to be skeptical about its inventiveness. However, other factors such as praise is positive evidence of non-obviousness. See *Litton Systems Inc. v. Honeywell Inc.*, 87 F.3d 1577 (Fed. Cir. 1996). In the ARC correspondence of Jan 18, 2001 (A. p. 089A), the praise bestowed on Appellant's invention by members of ARC is evident throughout the correspondence.

On their face, claims 1 and 15 appear to be simple, i.e. generate agent coupon data, electronically store it, retrieve it at a later date, and print an exact facsimile of the particular agent coupon. While Appellant advances the claimed invention is not as simple as it might appear (see the Declaration of Appellant, A. p. 333-337), it is a logical conclusion that the Examiner and the BPAI viewed the invention with the skepticism of simplicity, and or a preconceived notion of non-patentability, first arguing that Appellant was not the inventor, then arguing obviousness (see the decisions of the BPAI attached hereto). Appellant submits that reversal of grounds of rejection between the Examiner and the BPAI; and

BPAI attempting to equate image with data in a circular reasoning manner (A. p. 482) to the effect that optical images contain data and therefore ARC's disclosures allowing optical storage of agent coupons disclosed Appellant's invention which include the storage of data supports the conclusion that the BPAI and the Examiner stretched any available facts to arrive at their preconceived conclusion.. Even if such convoluted reasoning is deemed reasonable, it is to be noted that the ARC documents only suggested the use of optical media to store images of the coupons but never disclosed how to do so, see, for example: ARC stated that the agents now have the option to pursue their own solutions (A. p. 086); and, that it was up to the agents to figure how to do capture the image optically. (A. p. 168-172); and, that we're are talking about capturing the image of the coupon, not creating a database. (A. p. 171). Proceeding contrary to the accepted wisdom is strong evidence of nonobviousness, *In re Hedges*, 783 F2d. 1941(Fed. Cir. 1986). Here, as shown, Appellant's invention proceeded against the wisdom of ARC to store the images of the coupons on optical media and against ARC's wisdom of not creating a database.

It is well known and accepted that hindsight is prohibited in reaching a conclusion of obviousness. In this case, BPAI relied on the ARC documents to reach its conclusion of obviousness. As shown above, that reliance was completely improper and misplaced in that ARC did not even disclose the

method allowing the agents to capture the coupon image on optical media let alone the generation of and storage of data that later could be used to produce an exact image of any particular coupon. In point of fact, ARC had stated on many occasions that in the long run it would develop its own database which could be accessed by agents (for a fee) and that it had not done so by the time Appellant disclosed his invention to ARC on Oct. 10, 2000 (A. p. 091, 092). Accordingly, it is reasonable to conclude that the BPAI used hindsight to arrive at its conclusion of obviousness. Reliance on hindsight knowledge of the invention, when the prior art does not contain or suggest such knowledge, to use the invention as a template for its own reconstruction, is an illogical and inappropriate process by which to determine patentability. *Sensonic, Inc. v. Aerosonic Corp., supra.*

Moreover, that ARC eventually copied Appellant's invention as shown by the COMPASS reference (A. p. 487) after Appellant's demonstration of his invention to ARC which at that time required only images and not data to be stored is a further showing of non obviousness.

ISSUE NO 2.

Neither The Examiner Nor The BPAI Presented A Prima Facie Case Of Obviousness

The prima facie case is a procedural tool of patent examination, allocating the burdens of going forward between the examiner and the applicant. The examiner bears the initial burden. If the burden is met, the burden shifts to the applicant. But if the examination at the initial stage of patent examination does not produce a prima facie case of unpatentability, then without more the applicant is entitled to the grant of the patent, *In re Hans Oetiker*, 977 F.2d 1443 ((Fed. Cir. 1992)). In the absence of a showing of a prima facie case of obviousness, an applicant is entitled to a patent, *In re Rouffet*, 149 F.3d 1350 (CAFC 1998).

A prima facie case of obviousness is established when the teachings from the prior art itself would appear to have suggested the claimed subject matter to a person of ordinary skill in the art. The constituent factual findings for a prima facie case of obviousness are: 1) the scope and content of the prior art; 2) the level of ordinary skill in the art; 3) the differences between the prior art and the claimed invention, *In re Greene*, 1999 U.S. App Lexis 32002 (CAFC 1999).

In re Fine 837 F.2d 1071 (CAFC 1988) is another case applicable to the lack of showing of a prima facie case of obviousness by the BPAI. There the court reversed the Board's showing of prima facie case of obviousness. The court stated that the burden can only be satisfied by showing some objective teaching in

the prior art or knowledge that is generally available to one of ordinary skill would lead that individual to combine the references. Then the court noted that both the Board and the Examiner baldly stated that the substitution was within the skill of the art but pointed to nothing suggesting the combination or provided support for the bald assertion.

It is well known that a ticket reservation system includes a main frame, a computer and a printer. It is also well known that the prior art ticket reservation system prints an airline ticket and prints an agent coupon. ARC's disclosures permits the travel agent to optically store the agent coupon which can only be done after the agent coupon is printed and then allows the travel agent to discard the printed or paper copy of the agent coupon. As noted above, Appellant realized that ARC's disclosure or permission was in reality of little benefit to a travel agent. While eliminating the necessity to physically store paper agent coupons, it required the images to be scanned and then stored. Arc's disclosures did not suggest or teach the elimination of an image of the agent coupon, but rather that the paper copy of the coupon can be discarded after its image is stored. Accordingly, Appellant sought to devise a method that both eliminated the need to store paper agent coupons and eliminated the need to print an agent coupon and then optically scan it and store the image. (Declaration of Appellant, A. p. 325-337) Appellant's claimed invention accomplishes these objectives. In the

specification, on page 4 lines 10-12, it is stated that the inventive method includes the data being obtained directly from the reservation system as shown in Figure 1. In other words, the coupon data is generated from the information stream from the reservation system, and since the reservation system, in the inventive method, does not print the agent coupon, the coupon data is generated from the reservation system flow of information. Claim 1 includes the limitation "generating agent coupon data simultaneously with the printing of an airline ticket". Figure 1 shows that the agent coupon data (13) is taken from the ticket reservation system (11). Inasmuch as ARC's disclosures in combination with the technology of a facsimile machine transmission and/or in combination with a multi media network transmission does not result in 's claimed invention, a prima facie case of obviousness has not been shown by the Examiner is adopting the Board's new basis of rejection.

In re Lee, 277 F. 3d 1338, (Fed. Cir. 2002), is yet another case applicable to the lack of showing of a prima facie case of obviousness by the Board. The *In re Lee* court held that the factual inquiry whether to combine references must be thorough and searching and that it must be based on objective evidence of record. The court further held that: the agency must articulate a satisfactory explanation for its action including a rational connection between the facts found and the choice made; omission of a relevant factor required by precedent is both legal

error and arbitrary agency action; reasoned findings are critical to agency performance and judicial reliance on agency competency; general conclusions about what is common knowledge or common sense are not sufficient to support agency findings; common knowledge and common sense, even if assumed to derive from the agency's expertise, do not substitute for authority when the law requires authority. With regard to the above holdings, the Court stated:

The need for specificity pervades this authority. See, e.g., *In re Kotzab*, 217 F.3d 1365, (Fed. Cir. 2000) ("particular findings must be made as to the reason the skilled artisan, with no knowledge of the claimed invention, would have selected these components for combination in the manner claimed"); *In re Rouffet*, 149 F. 3d 1350, 1359, (Fed. Cir. 1998) ("even when the level of skill in the art is high, the Board must identify specifically the principle, known to one of ordinary skill, that suggests the claimed combination. In other words, the Board must explain the reasons one of ordinary skill in the art would have been motivated to select the references and to combine them to render the claimed invention obvious. "); *In re Fritch*, 972 F. 2d 1260, (Fed. Cir. 1992) (the examiner can satisfy the burden of showing obviousness of the combination "only by showing some objective teaching in the prior art or that knowledge generally available to one of ordinary skill in the art would lead that individual to combine the relevant teachings of the references").

In re Dembicazk, 175 F.3d 994 (Fed. Cir. 1999) the court also stated that the best defense against the subtle but powerful attraction of hindsight based obviousness is a rigorous application of the requirement for showing of the

what ARC suggests. In accordance with *In re Lee*, the word “seems” has no specificity to indicate what ARC suggests, especially where ARC never used the words “image data”. Without specificity it is not possible for specific findings to exist. Indeed, the Examiner has not in accordance with *In re Lee* explained how one of ordinary skill in the art would have been motivated to select the references and to combine them, or would have selected these components for combination in the manner claimed to render the claimed invention obvious.

Here, the Board cited the art of facsimile machines and multi media networking as prior art which in combination with ARC’s disclosures renders Applicant’s invention obvious. Notwithstanding that the Board has misinterpreted and misconstrued ARC’s disclosures (based on skepticism or preconceived notion) and Appellant’s invention, as explained above, the Examiner has not explained how the technology involved in that art functions to render Appellant’s invention obvious as required by *In re Lee*. Then too, as Appellant explained herein, the operation of the facsimile transmission is different from Appellant’s claimed method and the multi media citation at best only concerns the data transmission step of Appellant’s claimed method. Thus, the BPAI’s finding does not consider Appellant’s invention as a whole and runs afoul of this well accepted principle of law.

Was it in combination?

motivation?

The Board's finding makes no attempt define the level of ordinary skill in the art of the invention as required by *Graham v. John Deere*, 383, U.S. 1 (1966) and *In re Greene, supra*. This lack of determination is sufficient in and of itself to render the Board's finding clearly erroneous.

Accordingly, the BPAI's findings do not comply with the required factual findings for a prima facie case of obviousness. That is, the Board has not determined the scope and content of the prior art; the level of ordinary skill in the art; or, the differences between the prior art and the claimed invention, *Graham v. John Deere; In re Greene, supra*.

ISSUE NO.3

The ARC Disclosures Teach Away From Appellant's Claimed Invention

In the prior art as explained in the specification of the application, the agent coupon was printed along with the printing of the airline ticket. In stead of printing and storing paper agent coupons, ARC wanted the image stored in an optical media, e.g. microfiche. It absolutely did not want the agent coupon data to be stored, see the ARC Industrial Agents' Handbook quoted above, (A. p064, 079). Accordingly in a direction away from ARC's teaching, the Appellant invented the method of generating agent coupon data by extracting the data from the prior art agent reservation system, as shown in Figure 1 of the drawings, during the time that the airline ticket was being printed. Then the generated coupon data was separated from the prior art reservation system, identified and the data was electronically stored for future printing in the exact form of a prior art agent coupon, all in a manner not previously known or suggested. Applicant's invention therefore achieves the ability to completely eliminate the printing of an agent coupon during the printing of an airline ticket and not storing an optical image of the coupon. Appellant's claimed invention further provides the ability to print an exact copy of the agent coupon at a future time from the stored data and not from a stored image of the coupon. In this regard, Appellant's claimed

invention is completely different and away from ARC's disclosures or any suggestion in ARC's disclosures.

Moreover, as explained above, the BPAI's reference to Facsimile transmission is inapplicable in that said technology transmits an image and not data (A. p.328-332). The Board's reference to multi media networking also falls short of showing obviousness in that it may refer or be applicable to but one step in Appellant's claimed invention and not the invention as a whole.

With regard to an issue of obviousness a reference that teaches away is a significant factor to be considered in determining obviousness. A reference may be said to teach away when a person of ordinary skill, upon reading the reference, would be discouraged from following the path set out in the reference, or would be led in a direction divergent from the path that was taken by the applicant. In general, a reference will teach away if it suggests that the line of development flowing from the reference's disclosure is unlikely to be productive of the relief sought by the applicant. In re Gurley, 27 F. 3d 551 (Fed. Cir. 1994). Appellant submits that it is inconceivable to find that or reach any conclusion other than the 2000 and the 2005 IAH handbooks teach away from the path taken by Applicant. The path taken by Appellant completely eliminates the need to print and then optically store the image of an agent coupon. ARC's disclosures do not render Applicant's claimed invention obvious.

CONCLUSION

It is respectfully submitted that Appellant sufficiently demonstrated that on matters of law the BPAI committed error, and on matters of fact, the BPAI's findings are clearly erroneous. Therefore Appellant is entitled to a patent as to all claims in the original application as amended and stated in the Appendix of the claims on appeal to the BPAI (A. p.250-253)

Dated Feb. 27, 2007

Respectfully submitted,

Richard M. Saccocio, P.A.

By 

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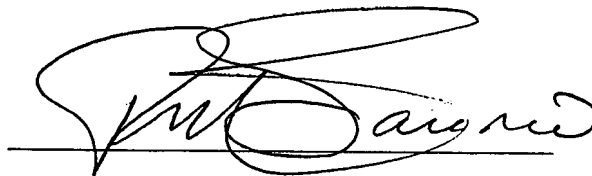
CERTIFICATE OF COMPLIANCE WITH TYPE-VOLUME LIMITATION
TYPEFACE REQUIREMENTS, AND TYPE STYLE REQUIREMENTS

1. This brief complies with the type-volume limitation of Federal Rule of Appellate Procedure 32(a)(7)(B).

The brief contains 6214 words excluding the parts of the brief exempted by Federal Rule of Appellate Procedure 32(a)(7)(B)(iii).

2. This brief complies with the typeface requirements of Federal Rule of Appellate Procedure 32(a)(5) and the type style requirements of Federal Rule of Appellate Procedure 32(a)(6).

The brief has been prepared in a proportionally spaced typeface using Times New Roman, 14 point font in Microsoft word.

A handwritten signature in black ink, appearing to read "R. Saccocio", is written over a horizontal line.

Richard M. Saccocio, Esq.
(Name of Attorney)

Representing the Appellant

Feb 27, 2007
Date

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of Appellant's

Corrected Opening Brief has been mailed to:

Office of the Solicitor
P.O. Box 15667
Arlington VA 22215
Attention: Nathan Kelley, Esq.

By First Class Mail, on this *17th* day of February, 2007

A handwritten signature in black ink, appearing to read "R. Saccocio", written over a large, stylized oval shape.

Richard M. Saccocio, Esq.
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rmsaccocio@bellsouth.net

ADDENDUM



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO.	DRAWINGS	TOT CLAIMS	IND CLAIMS
60/260,412	01/09/2001		75	2-154-1	4		

CONFIRMATION NO. 9200

FILING RECEIPT



OC000000005924930

Richard M Saccocio Esq
Suite 301
150 S E 12th Street
Ft Lauderdale, FL 33316

Date Mailed: 04/02/2001

Receipt is acknowledged of this provisional Patent Application. It will not be examined for patentability and will become abandoned not later than twelve months after its filing date. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the PTO processes the reply to the Notice, the PTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

Rodger Burrows, Plantation, FL;

If Required, Foreign Filing License Granted 04/01/2001

Projected Publication Date: N/A

Non-Publication Request: No

Early Publication Request: No

** SMALL ENTITY **

Title

Methods and apparatus for electronically storing travel agents coupons

Data entry by : GORDON, MARCIA

Team : OIPE

Date: 04/02/2001



100000

The date stamp hereon is an acknowledgment that on the date stamped
the U.S. Patent and Trademark Office received the following:

Attorney Docket No. 2-154-1

Provisional Patent Application

INVENTORS: Rodger Burrows (et. al.)
TITLE: METHODS AND APPARATUS FOR ELECTRONICALLY
STORING TRAVEL AGENTS COUPONS

6 page provisional patent application, plus 5 page attachment
3 sheet(s) of drawings
X Provisional Patent Application Cover Sheet (in duplicate)
 Power of Attorney
 Assignment
 Assignment Transmittal Letter
 Verified Statement(s) claiming small entity
X Check No. for \$75.00
X Return Postal Card
Mailed: January 4, 2001

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PROVISIONAL APPLICATION FOR PATENT COVER SHEET

This is a request for filing a PROVISIONAL APPLICATION FOR PATENT under 37 CFR 1.53(b)(2)

INVENTORS					
Given Name (first and middle)	Family Name or Surname		Residence City and State		
Rodger	Burrows		3 Redwood Circle Plantation, Florida 33317		
<input type="checkbox"/>	additional inventors are being named on		<input type="checkbox"/>	separately numbered sheet attached hereto	
TITLE OF THE INVENTION					
METHODS AND APPARATUS FOR ELECTRONICALLY STORING TRAVEL AGENT'S COUPONS					
CORRESPONDENCE ADDRESS					
Direct all correspondence to:					
Attorney	Richard M. Saccocio, Esq.				
Firm Name	Richard M. Saccocio, P.A.				
Address	150 S.E. 12 th Street - Suite 301				
City	Ft. Lauderdale	State	Florida	ZIP	33316
Country	U.S.A.	Telephone	(954) 764-8003	Fax	(954) 764-6141
ENCLOSED APPLICATION PARTS (check all that apply)					
<input checked="" type="checkbox"/>	Specification	Number of Pages	6	<input checked="" type="checkbox"/>	Other (specify)
<input checked="" type="checkbox"/>	Drawing(s)	Number of Sheets	3	Five (5) page attachment	
<input type="checkbox"/>	Power of Attorney				
<input type="checkbox"/>	Assignment	<input type="checkbox"/>	Assignment Recordal Sheet		
METHOD OF PAYMENT OF FILING FEES FOR THIS PROVISIONAL APPLICATION FOR PATENT					
Applicant claims small entity status					Filing Fee Amount
<input checked="" type="checkbox"/>	A check is enclosed as payment of the filing fee.	Check No.	19-0010		
<input checked="" type="checkbox"/>	The Commissioner is hereby authorized to charge Any deficiency or credit any overpayment to Deposit Account Number:	19-0010	\$75.00		
<input type="checkbox"/>	The invention was made by an agency of the United States Government or under a contract with an agency of the United States Government				

Respectfully submitted,

Signature

Name

Telephone

Richard M. Saccocio

(954) 764-8003

Date January 4, 2001

Registration No.

Docket No.

26,800

2-154-1

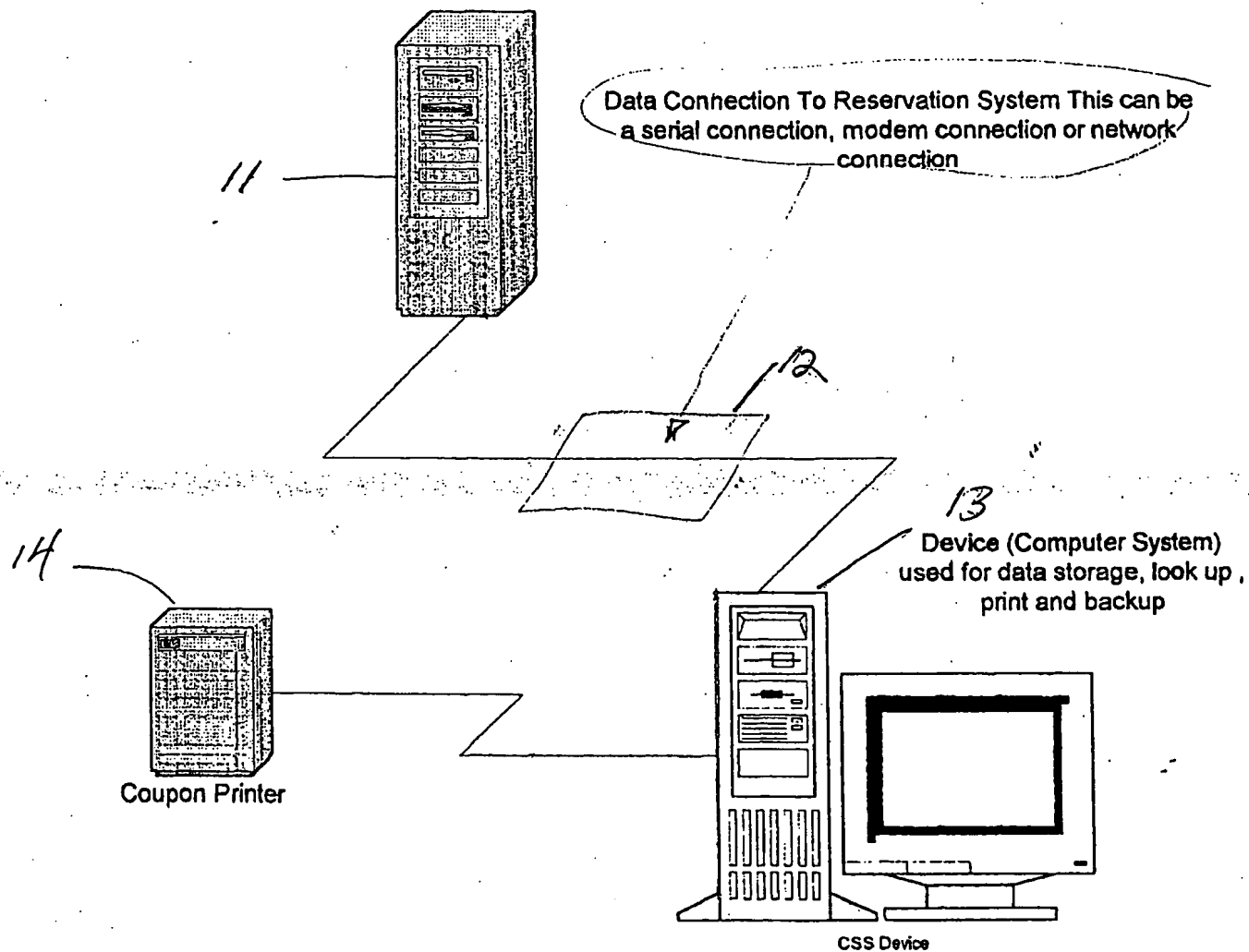


FIG 1

SCN-8890000041793 AN-CRN000705A ID-267445
AGENT COUPON

XXXXXXXXXX 0

XXX FVVV
DELTA AIR LINES

XXXXXXXXXXXXX/
BURROWS/RODGER

XXXXX

FORT LAUDERDA FL 33316US17JUN00
XXXXXX/1R Q8052/LC320

A99999999 BURROWS/RODGER
8 7906/

OLAXCVGDL0810 Q02JUL

NOT VALID FOR

AGENT COUPON

02JUL02JUL

**TRANSPORTATION*

SC-SC

VALID DL/DLEXP/NONEND/REF AGT ONLY

FP CHECK FC LAX DL CVG Q9.30 194.00Q8052/LC320 USD2
03.30END ZP LAX2.50XF LAX3

USD 3.00XF

USD 203.30

USD 15.24US

USD 2.50ZP

USD 224.04

0066 K

OP T 20.74

0 006 1234567890 0

NOT VALID FOR TRAVEL

0 006 1234567890 0

F162

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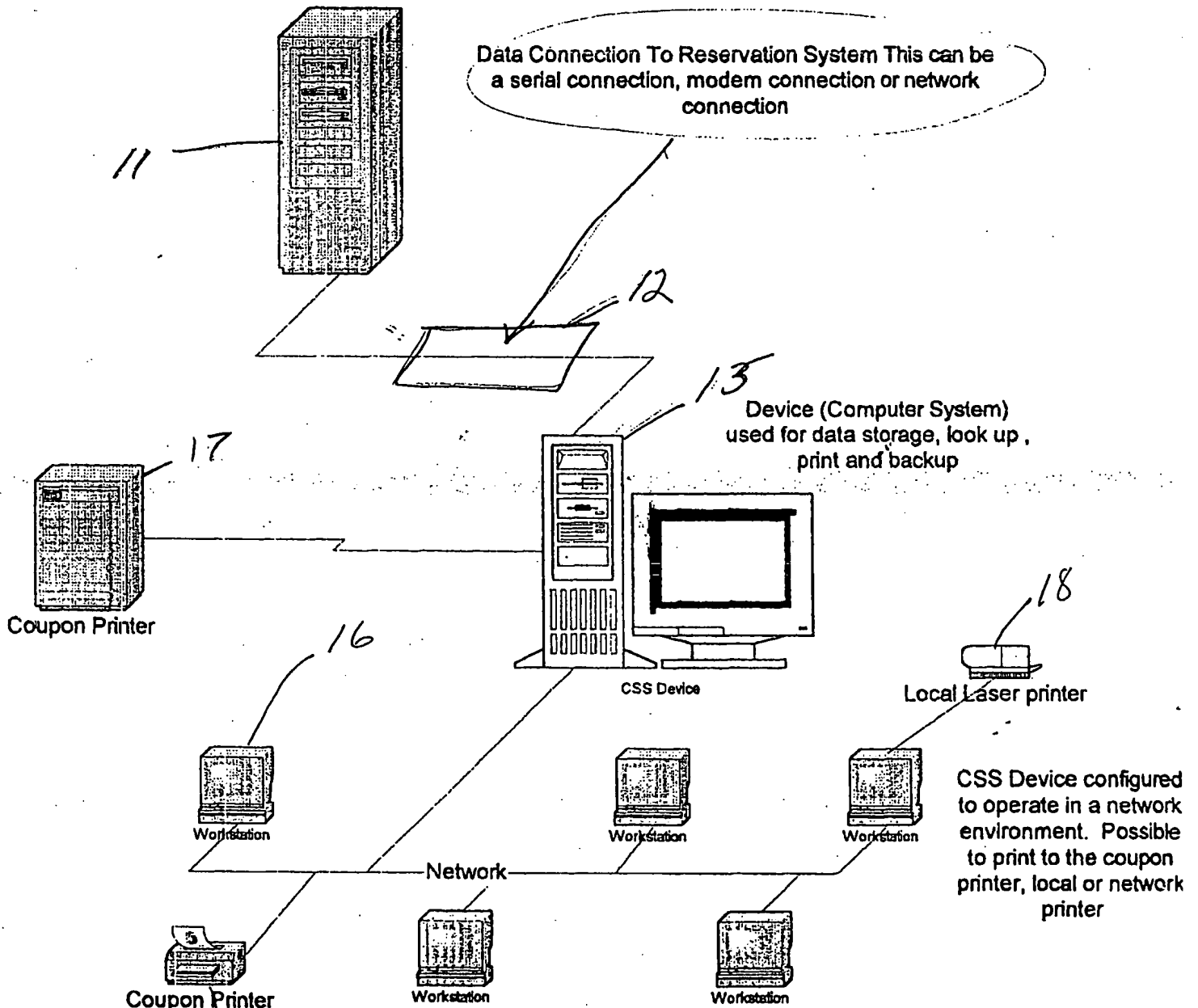


FIG 3

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BACKGROUND OF THE INVENTION

FIELD OF THE INVENTION

This invention relates in general to the field of electronic storage of data and in particular to methods and apparatus for electronically storing Agent Coupons consistent with the requirements of the Airline Recording Corporation (ARC) and the airlines.

DESCRIPTION OF THE PRIOR ART

Travel agencies are required to retain physical copies of Agent Coupons for a minimum of two years; however, it is most common that the travel agencies keep the physical records for a period of time longer than the required minimum. Inasmuch as the travel agencies need to access the Agent Coupon records only when there is a dispute a refund or a ticket exchange is necessary, and not usually on a daily basis, the physical storage of the records pose a number of problems. For example, a storage facility or space is required. If the storage space is within the offices of the travel agency, the Agent Coupon records consume valuable office space, that competes with the storage of the every day files and records. In order to minimize the storage space and because of the card-like nature of the coupons, the coupons are usually stored, one behind the other, in boxes that are sized to accommodate the coupons. The boxes themselves are then stacked on top of each other in chronological order. Accordingly, when a particular coupon is to be retrieved, the boxes must be unstacked in order to access the box containing the particular coupon. After the coupon is retrieved and processed, the procedure is reversed in order to reorganize the stored coupons. Obviously, such a procedure is time consuming, inconvenient, and a nuisance in general. If a separate storage facility is used to store the Agent Coupons, extra costs are involved and the retrieval effort is even more time consuming and inconvenient. Other problems include the difficulties and office

1

of the
prior art
storage methods include
the extra expenses involved
in requiring employees to
dig out from their desks
desks and in order
to

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off the premises

due to rental of the storage space

dispute

expense efforts needed to locate and retrieve a particular Agent Coupon where physical storage is required. The larger the travel agency, the more these problems are exacerbated.

What is needed are apparatus and methods that allow for the ease of maintaining the Agent Coupon records, allow for ease of retrieval, eliminates the need for separate storage space, ^{is written in} ~~is~~ secure and is cost effective. The present invention accomplishes these objectives.

SUMMARY OF THE INVENTION

The above-stated objects as well as other objects which, although not specifically stated, but are intended to be included within the scope the present invention, are accomplished by the present invention and will become apparent from the hereinafter set forth Detailed Description of the Invention, and Drawings, appended herewith. The present invention accomplishes these objectives by providing methods and apparatus for electronic storage of Agent Coupons in a most effective manner.

A reservation system, that is located in ^{a travel} ~~the~~ agents office is connected to or capable of being electronically connected to electronic storage apparatus, transmits the Agent Coupon data to the electronic storage apparatus simultaneously with the generation of the ticket as the same is produced by the reservation system. Alternatively, the coupon data can be transmitted to the electronic storage apparatus in a batch file arrangement. The transmitted data is stored on a hard drive and a on a CD ROM disk. The stored data is retrievable from a computer workstation that can access the storage apparatus by a serial connection, a modem connection or an intranet/internet network connection. Once the particular coupon data is accessed, a printer is used to print out an accurate image of the electronically stored coupon. The reservation system, the storage apparatus, the retrieval apparatus, and the printer can each be located at the same site, or each can be located at a different site, or each can be located at any combination thereof. Any site can be activated by an intranet network connection or by an internet network connection using an appropriate internet browser.

*are on 1 P
in the present, an cl. - ^{data} storage apparatus - s.d as a computer,
is connected to the apparatus ^{2 output to the} reservation system
which is common for use in the office of a travel agent*

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In accordance with the above, there has been summarized the more important features of the present invention in order that the detailed description of the invention as it appears in the below detailed description of the same, may be better understood.

BRIEF DESCRIPTION OF THE DRAWINGS

Various other objects, advantages, and features of the invention will become apparent to those skilled in the art from the following discussion taken in conjunction with the following drawings, in which:

FIG. 1 is a schematic block flow diagram of the basic apparatus and methods as contemplated by the present invention.

Fig. 2 is a pictorial representation of a typical coupon retrieved from storage and printed in accordance with the present invention

FIG. 3 is a schematic block flow diagram of the basic apparatus of Fig. 1 as applied to a computer network arrangement.

DESCRIPTION OF THE PREFERRED EMBODIMENTS

As required, detailed embodiments of the present invention are disclosed herein; however, it is to be understood that the disclosed embodiments are merely exemplary of the invention, which may be embodied in various forms. Therefore, specific structural and functioning details disclosed herein are not to be interpreted as limiting, but merely as a basis for the claims and as a representative basis for teaching one skilled in the art to variously employ the present invention in virtually any appropriately detailed structure. Additionally, the verbiage used herein is intended to better enable a person to understand the invention and therefore, such verbiage is not to be interpreted as limiting the invention.

Reference is now made to the drawings, wherein like the characteristics and features of the present invention shown in the various figures are designated by the same reference numerals. Fig. 1 illustrates a basic embodiment of the apparatus and method of the

present invention. A typical reservation system (CRS) 11 is electronically connected 12 to appropriate storage apparatus 13, that can comprise a computer. The reservation system 11 can comprise any electronic apparatus that an agency employs to record and generate a ticket and the accompanying data. The connection 12 can be a serial connection, a modem connection, or an intranet/internet network connection. Thus, the electronic storage apparatus 13 can be on the site of the reservation system 11 or can be remotely located therefrom. The data received from the reservation system 11 can comprise all of the data entered onto the ticket such as, passenger name, travel itinerary, item costs, record locator, and any other data deemed appropriate. The data can be transmitted in image format, accounting record format or data file format.

The transmitted data and information are directly obtained from the reservation system 11 at the time a single airline ticket is created or upon the generation of a plurality of tickets in a batch file format. The transmitted data is then stored in the storage apparatus 13 under a file designation that includes the ticket number, the passenger's name, the record locator (PNR) information and the travel agent's information. The stored file is then moved to, for example, to a primary directory comprising the Airline Reporting Corporation number and a sub-directory created by calculating the Sunday following the date of issue of the ticket. Thus, for example, the directory structure can comprise: ARC number (directory)/sales period ending date (directory)/image files (ticket number, passenger name, record locator).

On a nightly basis, the data stored in storage apparatus 13 can be transferred to files named "DATE.tgz". The tgz files can be written to a CD ROM disk. It is preferred at this time, to record the sales period ending date and the issue date for which this data belongs, into a reference file for future lookup and or retrieval purposes. The storage apparatus 13 continuously checks and verifies the available space on the CD, and when the CD is full a message is sent advising an operator to change to a new CD. Each CD can have a header file for identification purposes.

When a dispute, refund or exchange occurs, the coupon data stored in the storage apparatus 13 and the CD Rom disk can be retrieved as follows. The operator activates a retrieval program that is loaded into the storage apparatus 13 and inputs information which allows for the retrieval of a particular coupon, including but not limited to for example, the agency code number (ARC number), sales period ending date, the ticket number, the record locator and the passenger's name. The storage apparatus 13 searches its hard drive for the file. If the file is not available, because of a system crash or because the file has been purged from the computer, an operator is directed to load the appropriate CD containing the desired data. Upon retrieval of the desired data, a display screen associated with the storage apparatus 13 will display an image consistent with the image of a physical coupon and as shown in Fig.2. Fig. 2 is a representation of a typical coupon. However, the data contained in Fig. 2 will vary for each ticket generated by the reservation system 11 and stored within the storage apparatus 13 and/or the CD. It is then a simple matter for the operator to command the storage apparatus 13 to print the coupon being retrieved. In this regard, an appropriate printer 14, is electronically connected to the storage apparatus 13. The printed image can be on plain paper in the coupon format or can be printed on actual ARC approved ticket coupon stock.

Fig. 3 illustrates the apparatus and methods of Fig. 1 as applied to a networked retrieval arrangement. In Fig.3, a central storage computer 15 is used as the storage apparatus 13. As in the previous embodiment of Fig. 1, the central storage computer 15 is arranged to receive ticket information from a reservation system (CRS) 11 through an electronic data connection 12. A plurality of computer equipped work stations 16 are network connected to the central storage computer 15. A central coupon printer 17 is connected to the central storage computer 15. One or more additional coupon printers 18 can be connected to the networked stations 16 in an appropriate manner consistent with the physical location and arrangement of the workstations 16.

The above storage and retrieval apparatus and methods utilize a specially designed software program, which allows for the coupon information to be stored and retrieved in the manner described. It is to be understood that the indexing and directories, above described, can be varied without departing from the scope of the present invention.

Attached hereto and incorporated herein by reference are a two (2) page "Image Storage Proposal", and a three (3) page further description of the inventive apparatus and methods.

What is claimed to be my invention is the is the methods and apparatus to electronically store coupon information and/or data which is generated when a ticket is prepared or when a batch data file is received, and then retrieve the coupon data at a later date and print a document which contains all of the coupon data and/or information. In either of the embodiments, above described, the initiation and activation of the retrieval method can be accomplished on or off the site of the storage apparatus, by for example the use of an internet/intranet connection using an appropriate internet browser.

While the invention has been described, disclosed, illustrated and shown in certain terms or certain embodiments or modifications which it has assumed in practice, the scope of the invention is not intended to be nor should it be deemed to be limited thereby and such other modifications or embodiments as may be suggested by the teachings herein are particularly reserved especially as they fall within the breath and scope of the drawings and description provided herein.

Image Storage Proposal

10/18/2000

Rodger Burrows
2 Redwood Circle
Plantation FL 33317
954 587 5608
954 581 0987 (Fax)

Ticket
We propose to create an electronic method of storing and printing the Agent, Auditor and Charge coupons (AAC's) required by ARC and the airlines.

Travel agencies are required to retain AAC's for a period of two years or longer. They usually have no need of these documents except when handling a refund or an exchange. For both large and small agencies this is a time consuming and cumbersome task. Hard copy storage makes data retrieval time consuming. Physical storage for larger agencies creates both logistical and physical look up difficulties.

Our system is meant to retain document images sent to the printer using magnetic media. We propose placing a computer in the agency that will receive AAC document images as they are produced by the reservation system. This data will be written to a file on the computer hard drive and backed up nightly on the computers CD ROM drive. Coupon images will be able to be retrieved over the network via an Internet browser i.e. Internet Explorer or Netscape. Retrieval options will include: Agency code Number, Sales Period Ending Date, Ticket Number, Passenger Name and Record Locator. This data will be stored both on the hard disk and CD-ROM allowing for rapid lookup capabilities. Larger Agencies with heavy volume will require this ability. The agency will be given the option of printing selected image on either accountable or non-accountable stock. We would also like to incorporate an option for the agency to enter in the required information to be able to print AAC's for an image that can not be located. The system will also allow the user to create copies of recorded CD's for off site storage capabilities.

Our solution is both cost effective and secure. It frees agencies from the antiquated "hard copy" method and maintains accountability. All functions are fully automated on a computer existing on the agencies network. Image data is reduced to storage on CD-ROM's allowing most agencies to place a year's worth of data on a few CD's.

Screen Information/Layout

Main

System Basics

Retrieve Coupon Image

Reporting

Build Coupon Image

Display System Statistics

Create Backup CD-ROM

System Basics

How to information,

Retrieve Coupon Image

Enter atleast one mandatory field Agency code Number, Sales Period Ending Date, Ticket Number, Passenger Name and Record Locator

Reporting

What CD has what data, What is available on-line

Build Coupon Image - Enter in required fields then print/save option

Display system Statistics - Space on Hard Drive and CD-ROM drive

Create Backup - Step through disk copy information

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Maintenance/Utilities

- 1) Create duplicate CD for off site storage
- 2) Display system information. Delete oldest data when necessary for space.

All stored records must be indexed by sales period ending date

Images stored optically also must be retrievable by:

agency code number (ARC Number)

sales period ending date (MMDDYY) Mandatory!

Ticket number

Record Locator

Passenger Name

Must be able to display/create an agent coupon image from the stored data on demand.

Create image using Ticket Number, Pax Last Name, PNR for name with .agt extension

Place each image in sub-directory whose name is the sales period ending date.

Structure : ARC Number

Sales Period Ending Date

Image files - Ticket Number, Pax Last Name, Record Locator.

Sales period ending date is the last day to report tickets to ARC.

ARC sales period is from Monday to Sunday.

Format data for display or print to printer.

Option to print on plain paper (local or network printer) or send to ticket printer.

Storage

- 1) capture ticket image (capture.???)
- 2) parse image for ARC number and date - create ARC/period ending date directory if one does not exist, change name to Ticket Number, Pax Last Name, Record Locator. Move image to ARC/PED directory.
- 3) Write data to CD nightly - Test data to write against data on disk to verify storage ability. Notify user if CD is full. (message)
- 4) Add data storage information to retrieval reference table, what data is on what disk (write disk header info)

Retrieval (Display/Print)

- 4) Retrieve screen containing: agency code number (ARC Number), sales period ending date (MMDDYY) Mandatory!, Ticket number, Record Locator, Passenger Name
- 5) Quick search on hard drive, failing locate search reference table, request CD, load CD, extract to hard drive display/print, reload original CD
- 6) Display image on screen and ask if print is desired. If print requested send to attached or network printer.

Maintenance/Utilities

- 3) Create Duplicate CD for off site storage
- 4) Test file size on CD against data to store verify space available. Send message when CD if full and needs changed.
- 5) Display system information. Delete oldest data when necessary for space.

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Data enters the system via a serial connection to another computer. A record is received and written out to the hard drive. The file is named capture.??? Where ??? is a number 000 to 999. The capture file must be re-named using information contained within the file itself. Rename image using Ticket Number, (#Q47011576906), Pax Last Name (#37ANDERSON/AUDREY From 37 up to slash), PNR (#61ZLPAHM/1A From 61 up to the slash) with .agt extension. Then the file must be moved to a primary directory consisting of the ARC number (#3610520694 the 8 numbers after the 36) and a sub-directory created by calculating the Sunday following the date of issue (#4227JUN00 after the 42). Giving the directory and file information as follows:

Structure : ARC Number (Directory)

Sales Period Ending Date (Directory)

Image files - Ticket Number, Pax Last Name, Record Locator.agt

- 1) Nightly the data will be gzipped into files named DATE.tgz and the .agt files will be deleted. The .tgz file(s) will be written to the CD ROM disk. It will be necessary at this point to record the Sales Period Ending date and issue date for which this data belongs into a reference file for future lookup purposes. At this point it will be necessary to test file size on CD against data to store verify space available. Send message when CD is full and needs changed. Each CD should have a header file identifying it.

Retrieval

After the data is stored we will need to be able to retrieve it. This will require the user entering in some mandatory and optional data. The format for that is as follows:

Retrieval (Display/Print)

- 1) Retrieve screen containing: agency code number (ARC Number) Mandatory, sales period ending date (MMDDYY) Mandatory, Ticket number, Record Locator, Passenger Name (Optional)
- 2) Quick search on hard drive, failing locate search reference table, request CD, load CD, extract to hard drive display/print, reload original CD
- 3) Display image(s) on screen and ask if print is desired. If print requested send to attached printer or printer accessed by browser.

(Image must be displayed as below)

SCN-8890000041793 AN-CRN000705A ID-267445

AGENT COUPON

XXXXXXXXXX 0

XXX FVVV

DELTA AIR LINES

XXXXX

A99999999 BURROWS/RODGER

XXXXXXXXXXXXX/

FORT LAUDERDA FL 33316US17JUN00

OLAXCVGDL0810 Q02JUL

BURROWS/RODGER

XXXXXX/1R Q8052/LC320 8 7906/

NOT VALID FOR AGENT COUPON

02JUL02JUL

**TRANSPORTATION*

SC-SC

VALID DL/DLEXP/NONEND/REF AGT ONLY

FP CHECK FC LAX DL CVG Q9.30 194.00Q8052/LC320 USD2

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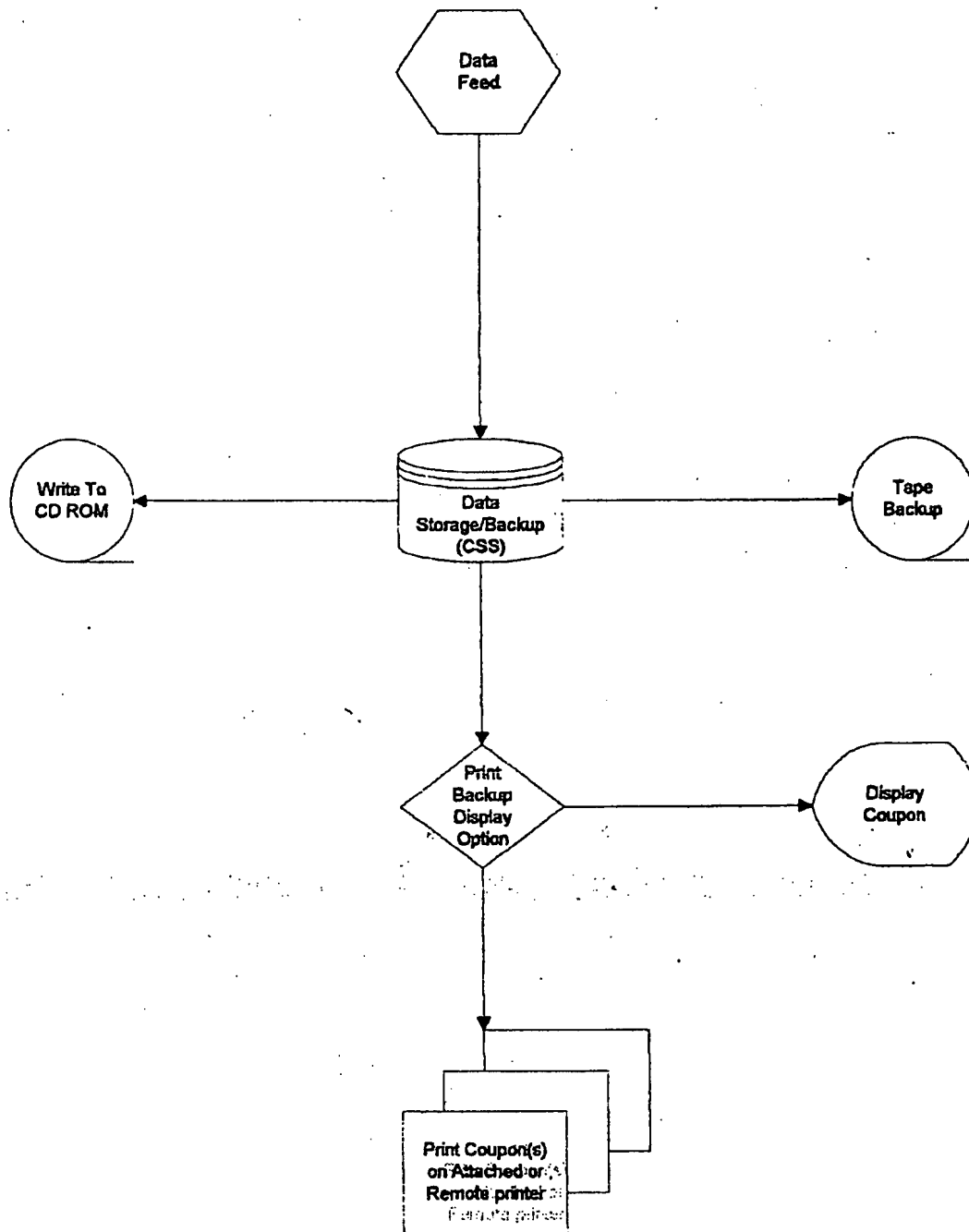
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FIG 4

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UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING DATE	GRANT UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
09/910,654	07/20/2001	2166	355	02154.001	2	18	2

CONFIRMATION NO. 2617

FILING RECEIPT



OC000000006516261

Richard M. Saccocio
Richard M. Saccocio, P.A.
100 Southeast 12th Street
Ft. Lauderdale, FL 33316

Examiner MYHRE 7843
703 308 337
Date Mailed: 09/06/2001

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Rodger Burrows, Plantation, FL;

Domestic Priority data as claimed by applicant

THIS APPLN CLAIMS BENEFIT OF 60/260,412 01/09/2001

Foreign Applications

If Required, Foreign Filing License Granted 09/05/2001

Projected Publication Date: 07/11/2002

Non-Publication Request: No

Early Publication Request: No

** SMALL ENTITY **

Title

Methods and apparatus for electronically storing travel agents coupons

Preliminary Class

705

C30018

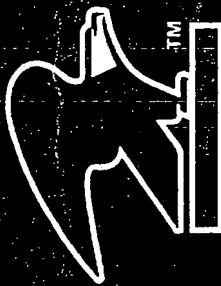
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FLAT RATE ENVELOPE

2 LB
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EXTREMELY URGENT

Please Rush To Addressee



EXPRESS
MAIL



EL450527776US

POST OFFICE
TO ADDRESSEE



EL450527776US

ORIGIN (POSTAL USE ONLY)

PO ZIP Code	Day of Delivery	Flat Rate Envelope
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Mo. Day	<input type="checkbox"/> AM <input type="checkbox"/> PM	
Signature of Addressee or Agent		
Name - Please Print		
X		

CUSTOMER USE ONLY

METHOD OF PAYMENT: **X349607**

FROM: (PLEASE PRINT) **PHONE 934 764 8003**

RICHARD M SACCOCIO ESQ
RICHARD M SACCOCIO P A
100 SE 12TH ST
FORT LAUDERDALE FL 33316-1834

TO: (PLEASE PRINT) **PHONE**

ASST. COMM. PATENTS
WASHINGTON D.C. 20535
Box New Application

Signature: *[Signature]*

Mailing Label 11-F July 1997

31/ 50
F(2)

The date stamp hereon is an acknowledgment that on the date stamped
the U.S. Patent and Trademark Office received the following:

Attorney Docket No. 02154.001

Patent Application

INVENTORS: RODGER BURROWS
TITLE: METHODS AND APPARATUS FOR ELECTRONICALLY STORING
TRAVEL AGENT COUPONS

page utility patent application
sheet(s) of informal drawings
1 page Initial Information Data Sheet
3 page DEC/POA
2 page Application Transmittal Letter
page Information Disclosure Statement
cited references
page Form PTO 1449
1 Verified statement(s) to establish small entity status
1 page Fee Transmittal (in duplicate)
X Check
X Return Postal Card
Mailed: 07/20/01
Express Mail Label No: EL 450527776 US

EL 450527776US

000020

PATENT APPLICATION TRANSMITTAL

Attorney Docket No.:	02154.001
First-Named Inventor or Application Identifier	RODGER BURROWS
Title:	METHODS AND APPARATUS FOR ELECTRONICALLY STORING TRAVEL AGENT COUPONS
Express Mail Label No.:	EL 450527776 US

(Only for new nonprovisional applications under 37 CFR 1.53(b))

APPLICATION ELEMENTS <small>(see MPEP chapter 600 concerning utility patent application contents)</small>	ADDRESS TO:	Assistant Commissioner for Patents Box Patent Application Washington, D.C. 20231
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1. <input checked="" type="checkbox"/> Fee Transmittal Form <i>in duplicate</i> (e.g., PTO/SB/17) 2. <input checked="" type="checkbox"/> Specification 3. <input checked="" type="checkbox"/> Drawings 4. <input checked="" type="checkbox"/> Oath or Declaration <div style="margin-left: 20px;"> a. <input checked="" type="checkbox"/> Newly Executed (original or copy) b. <input type="checkbox"/> Copy from prior application (37 CFR § 1.63(d)) (for continuation/divisional with Box 15 completed) NOTE BOX 5 BELOW i. <input type="checkbox"/> Deletion of Inventor(s): Signed statement attached deleting inventor(s) named in the prior application (see 37 CFR §§ 1.63(d)(2) and 1.33(b)) </div> 5. <input type="checkbox"/> Incorporation by Reference (<i>useable if Box 4b is checked</i>) The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 4b, is considered as being part of the disclosure of the accompanying application, and is hereby incorporated by reference therein.	<table style="width: 100%;"> <tr> <td style="border-right: 1px solid black; padding-right: 10px;">Total Pages</td> <td style="border: 1px solid black; text-align: center; width: 50px;">18</td> </tr> <tr> <td style="border-right: 1px solid black; padding-right: 10px;">Total Sheets:</td> <td style="border: 1px solid black; text-align: center;">2</td> </tr> <tr> <td style="border-right: 1px solid black; padding-right: 10px;">Total Pages</td> <td style="border: 1px solid black; text-align: center;">3</td> </tr> </table>	Total Pages	18	Total Sheets:	2	Total Pages	3
Total Pages	18						
Total Sheets:	2						
Total Pages	3						

ACCOMPANYING APPLICATION PARTS

6. <input type="checkbox"/> Assignment Papers (cover sheet & document(s)) 7. <input type="checkbox"/> 37 CFR § 3.73(b) Statement (<i>when there is an assignee</i>) 8. <input type="checkbox"/> English Translation Document (<i>if applicable</i>) 9. <input checked="" type="checkbox"/> Information Disclosure Statement (IDS)/PTO-1449 10. <input type="checkbox"/> Preliminary Amendment 11. <input checked="" type="checkbox"/> Return Receipt Postcard (MPEP 503) (<i>should be specially itemized</i>) 12. <input checked="" type="checkbox"/> Small Entity Statements 13. <input type="checkbox"/> Certified Copy of Priority Document(s) (if foreign priority is claimed) 14. <input checked="" type="checkbox"/> Other: <u>DECLARATION</u>	<input checked="" type="checkbox"/> Power of Attorney <input type="checkbox"/> Copies of IDS Citations
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ACCOMPANYING APPLICATION PARTS (continued)

15. IF A CONTINUING APPLICATION

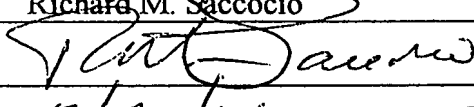
check appropriate box and supply the requisite information:

☐ Continuation
 ☐ Divisional
 ☐ Continuation-in-Part
 Prior Application No. _____
 Prior Appl. Information: Examiner: Group/Art Unit: _____

CORRESPONDENCE ADDRESS

NAME	Richard M. Saccocio				
	Attorney for Applicant(s)				
Reg. No.	26,800				
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CITY	Ft. Lauderdale	STATE	FL	ZIP CODE	33316
COUNTRY	U.S.A.	TELEPHONE	(954) 764-8003	FAX	(954) 764-6141

SUBMITTED BY

NAME	Richard M. Saccocio	Reg. No.	26,800
SIGNATURE			
DATE	7/20/01	Deposit Account User ID	19-0010

000022

FEE TRANSMITTAL

First-Named Inventor	RODGER BURROWS		
Title:	METHODS AND APPARATUS FOR ELECTRONICALLY STORING TRAVEL AGENT COUPONS		
Attorney Docket No.	02154.001		
TOTAL AMOUNT OF PAYMENT			\$345.00

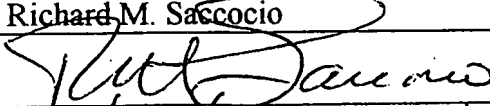
METHOD OF PAYMENT

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FEE CALCULATION

(continued)

1. <input checked="" type="checkbox"/> Payment is enclosed		2. EXTRA CLAIM FEES																					
		<table border="1"> <thead> <tr> <th>Claims</th> <th></th> <th>Extra Claims</th> <th>Fee from Below</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr> <td>Total</td> <td>-20**</td> <td></td> <td>x</td> <td></td> </tr> <tr> <td>Ind.</td> <td>-3</td> <td></td> <td>x</td> <td></td> </tr> <tr> <td colspan="5">Multiple Dependent</td> </tr> </tbody> </table>		Claims		Extra Claims	Fee from Below	Fee Paid	Total	-20**		x		Ind.	-3		x		Multiple Dependent				
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Deposit Account No.	Deposit Account Name																						
19-0010	Richard M. Saccocio																						
<input checked="" type="checkbox"/> Charge any additional Fee Required under 37 CFR §§ 1.16 and 1.17 <input type="checkbox"/> Charge the Issue Fee set in 37 CFR § 1.18 at the Mailing of the Notice of Allowance		Small Entity <table border="1"> <thead> <tr> <th>Fee Code</th> <th>Fee (\$)</th> <th>Fee Description</th> </tr> </thead> <tbody> <tr> <td>103</td> <td>9</td> <td>Claims in excess of 20</td> </tr> <tr> <td>102</td> <td>39</td> <td>Independent claims in excess of 3</td> </tr> <tr> <td>104</td> <td>130</td> <td>Multiple dependent claim, if not paid</td> </tr> <tr> <td>109</td> <td>39</td> <td>**Reissue independent claims over original patent</td> </tr> <tr> <td>110</td> <td>18</td> <td>**Reissue claims in excess of 20 and over original patent</td> </tr> </tbody> </table>		Fee Code	Fee (\$)	Fee Description	103	9	Claims in excess of 20	102	39	Independent claims in excess of 3	104	130	Multiple dependent claim, if not paid	109	39	**Reissue independent claims over original patent	110	18	**Reissue claims in excess of 20 and over original patent		
Fee Code	Fee (\$)	Fee Description																					
103	9	Claims in excess of 20																					
102	39	Independent claims in excess of 3																					
104	130	Multiple dependent claim, if not paid																					
109	39	**Reissue independent claims over original patent																					
110	18	**Reissue claims in excess of 20 and over original patent																					
FEE CALCULATION																							
1. BASIC FILING FEE																							
Small Entity		SUBTOTAL (2)																					
Code	Fee (\$)	Fee Description	Fee Paid																				
101	345	Utility filing fee	\$345																				
106	155	Design filing fee																					
107	240	Plant filing fee																					
108	380	Reissue filing fee																					
114	75	Provisional filing fee																					
Subtotal (1)		\$345																					
		FEE CALCULATION																					

SUBMITTED BY			
NAME	Richard M. Saccocio	Reg. No.	26,800
SIGNATURE			
DATE	7/20/01	Deposit Account User ID	19-0010

000023

Attorney Docket No.:	02154.001
First-Named Inventor or Appl. Identifier:	RODGER BURROWS
Title:	METHODS AND APPARATUS FOR ELECTRONICALLY STORING TRAVEL AGENT COUPONS

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS
(37 CFR 1.9(f) AND 1.27(b) - INDEPENDENT INVENTOR)**

As a below named inventor, I hereby declare that I qualify as an independent inventor as defined in 37 CFR 1.9(c) for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code, to the Patent and Trademark Office with regard to the invention entitled:

METHODS AND APPARATUS FOR ELECTRONICALLY STORING TRAVEL AGENT COUPONS

described in *the specification* filed herewith.

I have not assigned, granted, conveyed or licensed and am under no obligation under contract or law to assign, grant, convey or license, any rights in the invention to any person who could not be classified as an independent inventor under 37 CFR 1.9(c) if that person had made the invention, or to any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

Each person, concern or organization to which I have assigned, granted, conveyed, or licensed or am under an obligation under contract or law to assign, grant, convey, or license any rights in the invention is listed below:

☒ no such person, concern, or organization
☐ persons, concerns or organizations listed below*

*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

FULL NAME:

ADDRESS:

☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statement made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF INVENTOR: RODGER BURROWS

SIGNATURE OF INVENTOR:

Rodger Burrows

DATE:

7-18-2001

000024

PATENT

DOCKET NO. 02154.001

UNITED STATES PATENT AND TRADEMARK OFFICE

INVENTORS: RODGER BURROWS
TITLE: METHODS AND APPARATUS FOR ELECTRONICALLY STORING TRAVEL
AGENT COUPONS

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. 1.97

Assistant Commissioner of Patents
Washington, D.C. 20231

Sir:

Under 37 C.F.R. Section 1.97, a list of documents is disclosed on the attached form PTO-1449 that may be material to the patentability of this application. A copy of each of the documents is included herewith for the Examiner's consideration.

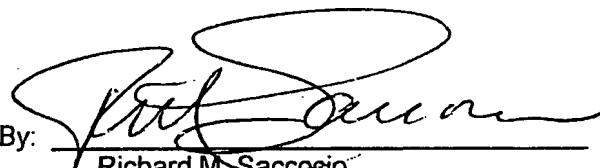
No inference should be drawn that the attached list represents a comprehensive investigation of the prior art; that any or all are pertinent to the invention; that the apparatus therein is analogous to the invention; or that any apparatus disclosed is the equivalent of the subject invention.

All of the Applicant(s)' claims are believed to be allowable over the references provided herewith.

SEND CORRESPONDENCE TO:

Richard M. Saccocio, Esq.
Richard M. Saccocio, P.A.
150 Southeast 12th Street
Ft. Lauderdale, Florida 33316

By:



Richard M. Saccocio
Attorney for Applicant(s)
Reg. No.: 26,800
Telephone: (954) 764-8003
Fax No.: (954) 764-6141

001025

Form PTO-1449

U.S. Dept. of Commerce, Patent and Trademarks

LIST OF ART CITED BY APPLICANT

(Use several sheets if necessary)

Attorney Docket No. 02154.001	Serial No.:	Filing Date:
Applicant: RODGER BURROWS	Group:	

U.S. PATENT DOCUMENTS

Exami ner's Initial		Document No.	Date	Name	Class	Subcla ss	
	AA	NONE					
	AB						
	AC						
	AD						
	AE						
	AF						
	AG						
	AH						

FOREIGN PATENT DOCUMENTS

		Document No.	Date	Country	Class	Subcla ss	Translat ion
	AI						
	AJ						
	AK						

OTHER PRIOR ART (Including Author Title, Date, Pertinent Pages, Etc.)

	AL		
	AM		
	AN		

EXAMINER	DATE CONSIDERED:
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance. Include copy of this form with next communication to Applicant.

000026

PATENT APPLICATION DECLARATION
COMBINED WITH POWER OF ATTORNEY

Attorney's Docket No. 02154.001

☒ Regular (Utility)

☐ Design Application

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

METHODS AND APPARATUS FOR ELECTRONICALLY
STORING TRAVEL AGENT COUPONS

the specification of which:

☒ is attached hereto

☐

was filed on:

as U.S. Serial No.:

and amended on

(if applicable)

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, Section 1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119, of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign/PCT Application(s):

☒ no such application(s) filed

☐

such application(s) identified as follows:

Country	Application Number	Date of Filing (day, month, year)	Priority Claimed Under 37 U.S.C. 119
			<input type="checkbox"/> Yes <input type="checkbox"/> No

007627

I hereby claim the priority benefit under Title 35, United States Code, Section 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, Section 1.56(a) which is material to the patentability of this application and which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Prior U.S. Application(s):

- ☒ no such application(s) filed.
- ☐ such application(s) identified as follows:

Application No.	Filing Date (day, month, year)	Status (Patented, Pending, Abandoned)
	01/09/2001	

☒ I hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below:

Provisional Application Serial No.:	60/260,412
Provisional Application Filing Date:	01/09/2001

I HEREBY APPOINT THE FOLLOWING AS MY ATTORNEY(S) OR AGENT(S) WITH FULL POWER OF SUBSTITUTION TO PROSECUTE THIS APPLICATION AND TRANSACT ALL BUSINESS IN THE PATENT AND TRADEMARK OFFICE CONNECTED THEREWITH:

NAME(S)	REG. NO.(S)	ASSOCIATE POWER OF ATTORNEY ATTACHED
Richard M. Saccocio	26,800	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Send correspondence to:

Richard M. Saccocio, P.A.
100 Southeast 12th Street
Fort Lauderdale, Florida 33316

Attention: Richard M. Saccocio, Esquire
Direct telephone calls to: (954) 764-8003
Direct faxes to: (954) 764-6141

001:28

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statement and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of first-named or sole inventor	<u>RODGER BURROWS</u>		
Inventor's signature	<u><i>Rodger Burrows</i></u>	Date	<u>7-18-2001</u>
Residence	<u>Plantation</u>	<u>Florida</u>	
	City	State or Foreign Country	
Citizenship	<u>United States of America</u>		
	Country		
Post Office Address	<u>3 Redwood Circle</u>		
	Street Address		
	<u>Plantation</u>	<u>Florida</u>	<u>33317</u>
	City	State or Country	Zip Code

000029

Attorney File Number: 02154.001

TITLE OF INVENTION:

METHODS AND APPARATUS FOR
ELECTRONICALLY STORING TRAVEL
AGENT COUPONS

SOLE OR FIRST JOINT INVENTOR: Rodger Burrows

ADDRESS:

3 Redwood Circle
Plantation, Florida 33317

CITIZENSHIP:

United States of America

000-30

METHODS AND APPARATUS FOR ELECTRONICALLY
STORING TRAVEL AGENTS COUPONS

5 CROSS REFERENCE TO RELATED APPLICATIONS

This application is related to U.S. provisional
application Serial Number 60/260,412 filed 01/09/2001.

BACKGROUND OF THE INVENTION

10 1. Field of the Invention

This invention relates in general to the field of
electronic storage of data and in particular to methods and
apparatus for electronically storing agent coupon data
associated with airline tickets procured through a travel
15 agent.

2. Description of the Prior Art

Most, if not all airline ticket service organizations or
travel agents provide the service of reserving and issuing
20 airline tickets to travelers. An airline agency known as the
Airline Recording Corporation (ARC) requires travel agencies
to retain physical copies of "agent coupons" for a minimum of
two years from the date of issuance of an airline ticket. In
general, an agent coupon contains data associated with an
25 issued airline ticket such as the name and address of the
passenger, travel dates, the name of the airline, departure
and arrival locations and time, fares charged for the ticket,

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and other like data. The primary reason for the ARC requirement to have airline ticket agencies retain hard copies of the agent coupons is to have a complete record of the ticket transaction should a dispute arise, for example, regarding a refund, when a ticket exchange is necessary or any other like reason. The agent coupons are not, therefore, generally accessed by the airline ticket agencies on a daily basis but rather only a sporadic or a necessary basis. Still, the ARC requirement inherently necessitates that the airline ticket agencies provide for storage of the hard copies of the coupons. And, in the travel industry, it is common for the agencies to keep the agent coupons for a period of time longer than the required minimum of two years. Such self-imposed requirements mean that the travel agents must provide for long-term storage of the coupons.

Because of the nature of the required and self-imposed storage of the agent coupons in conjunction with the "access as necessary" of the coupons, the physical storage of the coupons pose a number of unique problems. For example, a storage facility or storage space is required. If the storage space is within the offices of the service agency, the agent coupon records not only consume valuable office space that otherwise could be used to generate fees, but the physical presence of the coupons themselves often hinders the office personnel in carrying out their everyday duties. Accordingly,

in order to minimize the storage space taken up by the agent coupons, and because of the card-like nature of the coupons, the coupons are usually stored, one behind the other, in boxes that are sized to accommodate the coupons. The boxes
5 themselves are then stacked on top of each other in chronological order with the most recent coupons being located on the upper levels. Then, accordingly, when a particular coupon is to be retrieved, the boxes must be un-stacked to gain access to the box containing the particular coupon.
10 After the coupon is retrieved and processed, the procedure is reversed in order to reorganize the stored coupons. Obviously, such a procedure is time consuming, expensive, and inconvenient.

If a separate off-site storage facility is used to store
15 the agent coupons, the rental space will be less costly than office space but then other inconvenient and expensive factors become involved. For example, the retrieval effort is even more time consuming and inconvenient in that office personnel must travel to and from the off-site storage facility. There
20 is still then the problem of having to un-stack the boxes, retrieve the particular coupon, and then re-stack the boxes. It is axiomatic that the larger the travel agency, the more these problems are exacerbated.

What is needed are apparatus and methods that allow for
25 the ease of maintaining the storage of travel agency agent

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coupons, allow for ease of retrieval, eliminate the need for a separate storage space, provide for secure storage, and are cost effective. The present invention accomplishes these objectives.

5

SUMMARY OF THE INVENTION

The above-stated objects as well as other objects which, although not specifically stated, but are intended to be included within the scope the present invention, are accomplished by the present invention and will become apparent from the hereinafter set forth Detailed Description of the Invention, Drawings, and Claims appended herewith. The present invention accomplishes these objectives by providing methods and apparatus for electronic storage of agent coupons in a most effective manner.

In one embodiment of the present invention, electronic data storage apparatus is electronically connected to an airline ticket reservation arrangement with the latter being located in the office of an airline ticket agency. As an airline ticket is being generated by the reservation system, the agent coupon data is being transmitted simultaneously to the electronic storage apparatus. Alternatively, the coupon data can be transmitted to the electronic storage apparatus in a batch file arrangement. The transmitted data is stored on a known type of storage apparatus such as a hard drive and on

a CD ROM disk. The stored data is retrievable from a computer workstation that can access the storage apparatus by a serial connection, a modem connection or an intranet/internet network connection. Once the particular coupon data is accessed, a
5 printer is used to print out the stored data, which includes all of the data normally associated with an agent coupon. The reservation system, the storage apparatus, the retrieval apparatus, and the printer can each be located at the same site, or each can be located at a different site, or each can
10 be located at any combination thereof. Any site can be activated by an intranet network connection or by an internet network connection using an appropriate internet browser.

In accordance with the above, there has been summarized the more important features of the present invention in order
15 that the detailed description of the invention as it appears in the below detailed description of the same, may be better understood.

BRIEF DESCRIPTION OF THE DRAWINGS

20 Various other objects, advantages, and features of the invention will become apparent to those skilled in the art from the following discussion taken in conjunction with the following drawings, in which:

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FIG. 1 is a schematic block flow diagram of one embodiment of the present invention illustrating the apparatus and methods as contemplated by the present invention;

FIG. 2 is a schematic block flow diagram of the basic apparatus of FIG. 1 as applied to a computer network arrangement.

DESCRIPTION OF THE PREFERRED EMBODIMENTS

As required, detailed embodiments of the present invention are disclosed herein; however, it is to be understood that the disclosed embodiments are merely exemplary of the invention, which may be embodied in various forms. Therefore, specific structural and functioning details disclosed herein are not to be interpreted as limiting, but merely as a basis for the claims and as a representative basis for teaching one skilled in the art to variously employ the present invention in virtually any appropriately detailed structure. Additionally, the words and phrases used herein are intended to better enable a person to understand the invention and therefore, such words and phrases are not to be interpreted as limiting the invention.

Reference is now made to the drawings, wherein like the characteristics and features of the present invention shown in the various figures are designated by the same reference numerals. FIG. 1 illustrates one embodiment of the apparatus

and method of the present invention. A typical airline ticket reservation system 11 is electronically connected to appropriate electronic data storage apparatus 15 that can but not necessarily comprise a computer having a hard drive and CD-ROM capability. An appropriate software program 14 is loaded into the data storage apparatus 15 that enables the airline ticket reservation system to electronically communicate with the data storage apparatus 15 as more fully explained hereinafter. The reservation system 11 can comprise the electronic apparatus that an agency normally employs to record and generate an airline ticket and the prior art agent coupon. The electronic connection can be a serial connection, a modem connection, or an intranet/internet network connection. Thus, the electronic storage apparatus 15 can be on the site of the reservation system 11 or can be remotely located therefrom. In accordance with the software program 14, agent coupon data 13 is simultaneously generated along with an airline ticket 12. The data 13 generated by the reservation system 11 can comprise all of the data entered onto an airline ticket, including but not limited, to the data normally associated with an agent coupon as well as any other data deemed appropriate. The data 13 to be stored can be transmitted for example, in image format, accounting record format, or data file format. The data 13 can be transmitted to the storage apparatus 15 at the time each airline ticket 12

is created. The data and information can be temporarily stored within the reservation system 11 and upon the generation of a plurality of tickets, the temporarily stored data can be transmitted in a batch file format to the storage apparatus 15. The transmitted data 15 is stored in the storage apparatus 13 under, for example, a file designation that can include the ticket number, the passenger's name, the passenger's record locator or number, and the airline ticket agency's or the travel agent's information. The stored file is then moved to, for example, to a primary directory comprising the Airline Reporting Corporation's number and a sub-directory created by calculating the Sunday following the date of issue of the ticket. Thus, for example, the directory structure can comprise: ARC number (directory)/sales period ending date (directory), ticket number, passenger name, and record locator (image files).

On a continual or on a nightly basis, the data 13 stored in storage apparatus 15 can be transferred to files named, for example, "DATE.tgz". The "tgz" files can be written to a Random Operating Memory (ROM) compact disk (CD) 16. It is preferred at this time, to record the sales period ending date and the issue date for which this data belongs, into a reference file for future lookup and or retrieval purposes. The software program 14 incorporated in the storage apparatus 15 continuously checks and verifies the available space on the

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CD 16, and when the CD 16 is full, a message is sent advising an operator to change to a new CD 16. Each CD 16 can have a header file identifier for identification purposes. Alternatively, the data can be simultaneously stored on both a
5 hard disk and a CD 16.

When a dispute, refund, or exchange occurs, the coupon data 13 stored in the storage apparatus 15 and the CD-ROM disk 16 can be retrieved as follows. The operator activates a retrieval portion of the software program 14 that is loaded
10 into the storage apparatus 15 and inputs information which allows for the retrieval of a particular coupon data, including but not limited to, for example, the agency code number (ARC number), sales period ending date, the ticket number, the record locator and the passenger's name. The
15 storage apparatus 15 searches its hard drive for the file. If the file is not available, because of a system crash or because the file has been purged from the computer, an operator is directed to load the appropriate CD 16 containing the desired data. Upon retrieval of the desired data, a
20 display screen 17 associated with the storage apparatus 15 displays an image consistent with the image of a physical coupon or simply displays the data 13 in any other appropriate format. It is then a simple matter for the operator to command the storage apparatus 15 to print an image of the
25 coupon being retrieved. In this regard, an appropriate

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printer 18, is electronically connected to the storage apparatus 15. The printed image 19 can be on plain paper in the coupon format, or can be printed on actual ARC approved ticket coupon stock, or can be printed in any appropriate data
5 format.

FIG. 2 illustrates the apparatus and methods of FIG. 1 as applied to a networked retrieval arrangement. In FIG. 2, a central storage computer 21 is used as the storage apparatus. As in the previous embodiment of FIG. 1, the central storage
10 computer 21 is arranged to receive ticket information from a reservation system (CRS) 11 through an electronic data connection. A plurality of computer equipped workstations 22 are network connected to the central storage computer 21. A central coupon data printer 23 is connected to the central
15 storage computer 21. One or more additional coupon printers 24 can be connected to the networked stations 22 in an appropriate manner consistent with the physical location and arrangement of the workstations 22.

The inventive methods include the storage and retrieval
20 of an electronic agent coupon as follows. The reservation system 11 of a travel agent is electronically connected to an appropriate electronic storage and retrieval system 15 that is provided with appropriate software 14. Upon generating an airline ticket, the reservation system creates
25 a file or document that contains all of the data associated

with a prior art agent coupon. For example, such data includes but is not limited to the ticket number, the passenger's name and address, the passenger record number, the flight information, the date of the ticket, and the sales period ending date. The agent coupon data is given an identifier designation that will allow subsequent ease of retrieval. For example, the identifier can comprise the ticket number. The agent coupon data is then stored in a directory under the identifying designation as provided for by the software. The identifier designation can further include the passenger's name, and/or the passenger record number, and/or the sales period ending date, any one or all of which can be used to store the agent coupon data in a primary directory and sub-directories. For example, four separate primary directories can exist corresponding to the above identifiers, with each primary directory having three separate sub-directories comprising the other identifiers, all of which are automatically created by the software. Or, a single primary directory can be used that is indexed by the passenger's record number. In this manner, any one or all of the identifiers can be used to subsequently retrieve the coupon data.

In order to retrieve a particular agent coupon's data, the available identifier or identifiers are input to a retrieval screen brought up by an appropriate instruction to

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the software. The software then searches its data banks or directories and displays the directory or identifies the CD containing the identifier. If more than one identifier is input, the software again brings up the directory or
5 identifies the CD containing the identifiers. An operator can then select the appropriate identifier which then brings up the coupon data from the hard drive of the storage apparatus 13, or the operator loads the identified CD which then brings up the data. Alternatively, once the identifier
10 or identifiers are input, the software searches the internal or external data banks and directories and directly brings up the coupon data associated with the same. The operator then prints the coupon data onto a paper copy.

The above storage and retrieval apparatus and methods
15 utilize the above described software program, which allows for the coupon information to be stored and retrieved in the manner described. It is to be understood that the indexing and directories, above described, can be varied without departing from the scope of the present invention.

20 The described invention therefore provides methods, software and apparatus to electronically store agent coupon information and/or data which is generated when an airline ticket is prepared or when a batch data file is received, and then retrieve the coupon data at a later date and print a
25 document which contains all of the coupon data and/or

information. In the embodiments, above described, the initiation and activation of the retrieval method can be accomplished on or off the site of the storage apparatus, by for example the use of an internet/intranet connection using
5 an appropriate internet browser and/or Adobe Acrobat Reader.

While the invention has been described, disclosed, illustrated and shown in certain terms or certain embodiments or modifications which it has assumed in practice, the scope of the invention is not intended to be nor should it be deemed
10 to be limited thereby and such other modifications or embodiments as may be suggested by the teachings herein are particularly reserved especially as they fall within the breath and scope of the drawings and description provided herein.

15

What is claimed is:

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CLAIMS

1. A method for electronically generating, storing, and
retrieving airline ticket agency coupon data, comprising the
5 steps of:

generating agent coupon data simultaneously with the
printing of an airline ticket;

transmitting and storing said agent coupon data
electronically to and in data storage apparatus;

10 providing each agent coupon data with an identifier;

storing said agent coupon data in a
director/directory/image file arrangement; and

retrieving said electronically stored agent coupon data
and printing the same.

15

2. The method of claim 1, including the step of storing
said agent coupon data on a compact disk.

3. The method of claim 1, including the step of storing
20 said agent coupon data on a hard drive.

4. The method of claim 1, including the step of
transmitting and storing a plurality of agent coupon data in
a batch file format.

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5. The method of claim 1, including the step of generating said agent coupon data by airline ticket reservation apparatus.

5 6. The method of claim 5, including the step of serially connecting said reservation apparatus to said data storage apparatus.

7. The method of claim 5, including the step of
10 connecting said reservation apparatus to said data storage apparatus by a modem.

8. The method of claim 5, including the step of internet connecting said reservation apparatus to said data
15 storage apparatus.

9. The method of claim 5, including the step of intranet connecting said reservation apparatus to said data storage apparatus.

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10. The method of claim 1, wherein said identifier comprises an ARC number.

11. The method of claim 10, wherein said identifier
25 includes a sales period ending date.

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12. The method of claim 11, wherein said identifier includes a ticket number.

5 13. The method of claim 12, wherein said identifier includes a passenger's name.

14. The method of claim 13, wherein said identifier includes a record locator.

15. Apparatus adapted to generate, transmit, store, and retrieve airline agent coupon data, comprising:

airline ticket reservation apparatus; and

5 data storage apparatus comprising:

a computer having a hard drive, said data storage apparatus being electronically connected to said reservation system;

10 a software program means loaded in said computer for generating agent coupon data simultaneously with generation of an airline ticket, transmitting said agent coupon data to said computer, storing and retrieving said agent coupon data on memory storage apparatus connected to said computer; and

15 said computer having means associated therewith for displaying said stored agent coupon data.

16. The apparatus of claim 15, including printing means connected to said computer for printing said stored and retrieved agent coupon data.

20

17. The apparatus of claim 16, wherein said software program means further includes means for identifying each generated agent coupon data.

18. The apparatus of claim 17, wherein said software program means further includes means for filing each generated agent coupon data in accordance with said identifier means.

METHODS AND APPARATUS FOR ELECTRONICALLY
STORING TRAVEL AGENT COUPONS

ABSTRACT OF THE DISCLOSURE

5 Methods and apparatus provide for the electronic storage
and retrieval of airline ticket agency data simultaneously
with the generation of one or more airline tickets. The
inventive methods and apparatus eliminate the prior art
requirement of printing and storing hard copies of agent
10 coupons.

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

Paper No. 23

UNITED STATES PATENT AND TRADEMARK OFFICE

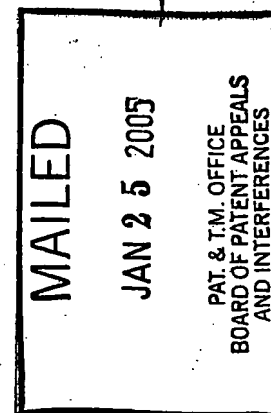
BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte RODGER BURROWS

Appeal No. 2004-2110
Application No. 09/910,654

HEARD: DECEMBER 8, 2004

*Date of Decision
is 1/25/05
per status
record
PTO*



Before JERRY SMITH, RUGGIERO, and GROSS, Administrative Patent Judges.

JERRY SMITH, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on the appeal under 35 U.S.C. § 134 from the examiner's final rejection of claims 1-18, which constituted all the claims in the application. An amendment after final rejection was filed on October 17, 2003 and was entered by the examiner. This amendment cancelled claim 16. Therefore, this appeal is directed to the rejection of claims 1-15, 17 and 18.

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Application No. 09/910,654

The disclosed invention pertains to a method and apparatus for electronically generating, storing and retrieving airline ticket agency coupon data.

Representative claim 1 is reproduced as follows:

1. A method for electronically generating, storing, and retrieving airline ticket agency coupon data, comprising the steps of:

generating agent coupon data simultaneously with the printing of an airline ticket;

transmitting and storing said agent coupon data electronically to and in data storage apparatus;

providing each agent coupon data with an identifier;

storing said agent coupon data in a director/directory/image file arrangement; and

retrieving said electronically stored agent coupon data and printing the same in a format of an agent coupon.

The examiner relies on the following references:

Friedes et al. (Friedes) 5,521,966 May 28, 1996

"Field Investigations and Fraud Prevention Program," Industry Agents' Handbook, pp. 1-2, (Section 70.0, 2000 Ed.) (Hereinafter referred to as IAH).

Prior art submitted by appellant relating to events involving Airlines Reporting Corporation (ARC).

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Claims 1-15, 17 and 18 stand rejected under 35 U.S.C. § 102(f) because appellant did not invent the claimed subject matter. Claims 1-15, 17 and 18 also stand rejected under 35 U.S.C. § 103(a). As evidence of obviousness the examiner offers Friedes in view of IAH.

Rather than repeat the arguments of appellant or the examiner, we make reference to the briefs and the answer for the respective details thereof.

OPINION

We have carefully considered the subject matter on appeal, the rejections advanced by the examiner and the evidence relied upon by the examiner as support for the rejections. We have, likewise, reviewed and taken into consideration, in reaching our decision, the appellant's arguments set forth in the briefs along with the examiner's rationale in support of the rejections and arguments in rebuttal set forth in the examiner's answer.

It is our view, after consideration of the record before us, that the evidence relied upon does not support the rejection of the claims under 35 U.S.C. § 102(f). We are also of the view that the prior art relied upon does not support the examiner's

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rejection of the claims under 35 U.S.C. § 103. Accordingly, we reverse. We enter a new rejection, however, using our authority under 37 CFR § 41.50(b).

We consider first the rejection of claims 1-15, 17 and 18 based on the examiner's finding that appellant did not invent the subject matter of the claimed invention. The examiner's finding results from the examiner's consideration of the prior art submitted by appellant representing events involving the Airlines Reporting Corporation (ARC). It is essentially the examiner's position that the claimed invention represents nothing more than the recitation of a new policy proposed by ARC in which agent coupon data could be stored electronically rather than in paper form (answer, pages 3-5).

Appellant argues that independent claims 1 and 15 recite the storage of agent coupon data electronically whereas ARC only describes the storage of agent coupon data as an actual image of the agent coupons. Appellant argues that there are several disclosures within ARC that indicate that ARC was only proposing the storage of an image of an agent coupon and not the electronic

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storage of agent coupon data. Appellant also notes that the rejection is not based on a single document as required, but instead, is based on a plurality of separate documents by ARC and the Travel Weekly News (brief, pages 9-15).

The examiner responds that ARC disclosed that agents "can now print agent coupon[s] on non-accountable stock or capture the coupon data on an optical media" (answer, page 5, emphasis added by examiner). The examiner finds that the disclosure of capturing coupon data indicates that the data is stored electronically. The examiner also notes that it would have been obvious to store the data as an image file or a text file. The examiner notes that it was well known that image data can be stored in electronic form for reconstruction of the image (answer, pages 6-11).

Appellant responds that when all of the disclosures of ARC are considered as a whole, it is clear that ARC did not contemplate the electronic storage of agent coupon data (reply brief, pages 2-5, 7-11).

We will not sustain the examiner's rejection of the claims on appeal under 35 U.S.C. § 102(f). We agree with appellant that ARC, when considered in its entirety, only

discloses that agent coupon data should be stored in optical form. The attempt by the examiner to read electronic storage of coupon data into the ARC disclosure is based on speculation.

Although the examiner has given reasons why the electronic storage of the coupon data would have been obvious to the artisan in view of ARC, the rejection before us is based on anticipation and not on obviousness. We address this question of obviousness in our new ground of rejection set forth below.

We now consider the rejection of claims 1-15, 17 and 18 under 35 U.S.C. § 103 based on the teachings of Friedes and IAH. In rejecting claims under 35 U.S.C. § 103, it is incumbent upon the examiner to establish a factual basis to support the legal conclusion of obviousness. See In re Fine, 837 F.2d 1071, 1073-74, 5 USPQ2d 1596, 1598 (Fed. Cir. 1988). In so doing, the examiner is expected to make the factual determinations set forth in Graham v. John Deere Co., 383 U.S. 1, 17, 148 USPQ 459, 467 (1966), and to provide a reason why one having ordinary skill in the pertinent art would have been led to modify the prior art or to combine prior art references to arrive at the claimed invention. Such reason must stem from some teaching, suggestion or implication in the prior art as a whole or knowledge generally

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available to one having ordinary skill in the art. Uniroval, Inc. v. Rudkin-Wiley Corp., 837 F.2d 1044, 1051, 5 USPQ2d 1434, 1438 (Fed. Cir.), cert. denied, 488 U.S. 825 (1988); Ashland Oil, Inc. v. Delta Resins & Refractories, Inc., 776 F.2d 281, 293, 227 USPQ 657, 664 (Fed. Cir. 1985), cert. denied, 475 U.S. 1017 (1986); ACS Hosp. Sys., Inc. v. Montefiore Hosp., 732 F.2d 1572, 1577, 221 USPQ 929, 933 (Fed. Cir. 1984). These showings by the examiner are an essential part of complying with the burden of presenting a prima facie case of obviousness. Note In re Oetiker, 977 F.2d 1443, 1445, 24 USPQ2d 1443, 1444 (Fed. Cir. 1992). If that burden is met, the burden then shifts to the applicant to overcome the prima facie case with argument and/or evidence. Obviousness is then determined on the basis of the evidence as a whole and the relative persuasiveness of the arguments. See Id.; In re Hedges, 783 F.2d 1038, 1039-40, 228 USPQ 685, 686 (Fed. Cir. 1986); In re Piasecki, 745 F.2d 1468, 1472, 223 USPQ 785, 788 (Fed. Cir. 1984); and In re Rinehart, 531 F.2d 1048, 1052, 189 USPQ 143, 147 (CCPA 1976). Only those

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arguments actually made by appellant have been considered in this decision. Arguments which appellant could have made but chose not to make in the brief have not been considered and are deemed to be waived (see 37 CFR § 41.37(c)(1)(vii)(2004)).

With respect to independent claims 1 and 15, the examiner's rejection is set forth on pages 5-6 of the answer. The examiner essentially finds that since Friedes teaches the electronic sale of an airline ticket, and since IAH allowed the electronic storage of an agent's coupon, then it would have been obvious to the artisan to maintain the agent coupon data in Friedes as an electronic file, available for retrieval and printing.

Appellant argues that Friedes is not analogous art because Friedes relates to the paperless storage of images of a smart card whereas the claimed invention relates to the storage of data associated with agent coupons from which an actual facsimile of the agent coupons can be created on demand. Appellant notes that there is no mention of an agent coupon in Friedes. Appellant also argues that there is no suggestion in either reference to combine their teachings in the manner proposed by the examiner. Appellant asserts that the teachings

of the two references would lead the artisan in opposite directions. Appellant also argues that IAH relates to optical storage of coupon data and not to electronic storage of such data (brief, pages 18-23).

The examiner responds that it is inherent that when Friedes generates and stores the electronic ticket information it must also generate and store the agent coupon data as per the ARC regulations. The examiner also argues that ARC and IAH teach that the agent coupon data must be electronically stored (answer, pages 11-14).

Appellant responds that Friedes does not once mention agent coupon data, and that it was error for the examiner to extrapolate the teachings of Friedes to include agent coupon data. Appellant also notes that Friedes does not involve a travel agent so that no agent coupons are necessary and the regulations of the ARC are irrelevant (reply brief, pages 5-7, 11-13).

We will not sustain the examiner's rejection of independent claims 1 and 15. We agree with appellant that there is no reasonable basis for combining the teachings of Friedes and IAH. The entire premise of the examiner's rejection is that an

agent coupon must be generated in Friedes which is governed by regulations established by ARC. There is no mention, however, of a travel agent or agent coupon in Friedes. Friedes appears to be a smart card system for use directly with the airlines themselves. Friedes specifically discloses that "[t]he traveler need not go to a travel agency or airline office in order to obtain the ticket" (column 7, lines 12-13). Friedes also discloses that the smart card is verified by the flight attendant, who presumably works for the airlines, and that the smart card system eliminates the need for a separate document or piece of paper at the conclusion of the transaction (column 7, lines 7-12). Thus, the suggestion that Friedes somehow requires an agent coupon is contrary to the very teachings set forth within the reference. The premise for the examiner's rejection could only come from an improper attempt to reconstruct the claimed invention in hindsight.

Since we have not sustained the examiner's rejection with respect to independent claims 1 and 15, we also do not sustain the rejection with respect to any of the dependent claims.

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In summary, we have not sustained either of the rejections as formulated by the examiner. Therefore, the decision of the examiner rejecting claims 1-15, 17 and 18 is reversed. We make the following new ground of rejection using our authority under 37 CFR § 41.50(b).

We reject claims 1-15, 17 and 18 under 35 U.S.C. § 103(a) as being unpatentable over the prior art submitted by appellant which has collectively been labeled ARC. We incorporate the findings made by the examiner in rejecting these claims under 35 U.S.C. § 102(f) except for the finding that ARC discloses the electronic storage of coupon data. Even though we found above that ARC does not disclose the electronic storage of coupon data as asserted by the examiner, we agree with the examiner's position that the storage of coupon data electronically would have been obvious to the artisan in view of the teachings in ARC that coupon data should be stored in optical form. At the time this application was filed, it was well known in the art to store image data in electronic form so that it could be transmitted over a communications channel such as a facsimile transmission or a multimedia network transmission. Thus, although ARC in its entirety seems to suggest an optical storage of image data, the

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artisan would have found it obvious to also store the image data in electronic form for subsequent reconstruction of the image.

This decision contains a new ground of rejection pursuant to 37 CFR § 41.50(b) (effective September 13, 2004, 69 Fed. Reg. 49960 (August 12, 2004), 1286 Off. Gaz. Pat. Office 21 (September 7, 2004)). 37 CFR § 41.50(b) provides "[a] new ground of rejection pursuant to this paragraph shall not be considered final for judicial review."

37 CFR § 41.50(b) also provides that the appellant, WITHIN TWO MONTHS FROM THE DATE OF THE DECISION, must exercise one of the following two options with respect to the new ground of rejection to avoid termination of the appeal as to the rejected claims:

(1) *Reopen prosecution.* Submit an appropriate amendment of the claims so rejected or new evidence relating to the claims so rejected, or both, and have the matter reconsidered by the examiner, in which event the proceeding will be remanded to the examiner

(2) *Request rehearing.* Request that the proceeding be reheard under § 41.52 by the Board upon the same record

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No time period for taking any subsequent action in
connection with this appeal may be extended under 37 CFR
§ 1.136(a).

REVERSED - 37 CFR § 41.50(b)

Gerry Smith

JERRY SMITH
Administrative Patent Judge

Joseph F. Ruggiero

JOSEPH F. RUGGIERO
Administrative Patent Judge

Anita Pellman Gross

ANITA PELLMAN GROSS
Administrative Patent Judge

BOARD OF PATENT
APPEALS AND
INTERFERENCES

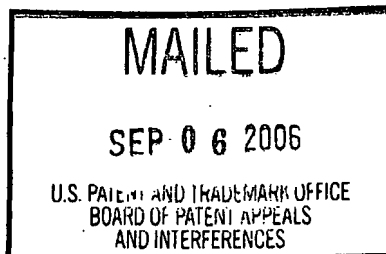
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The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES



Ex parte RODGER BURROWS

Appeal No. 2006-1910
Application No. 09/910,654

HEARD: August 9, 2006

Before KRASS, JERRY SMITH, and RUGGIERO, Administrative Patent Judges.

JERRY SMITH, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on the appeal under 35 U.S.C. § 134 from the examiner's rejection of claims 1-15, 17 and 18, which constitute all the claims in the application.

The disclosed invention pertains to a method and apparatus for electronically generating, storing and retrieving airline ticket agency coupon data.

Representative claim 1 is reproduced as follows:

1. A method for electronically generating, storing, and retrieving airline ticket agency coupon data, comprising the steps of:

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generating agent coupon data simultaneously with the
printing of an airline ticket;

transmitting and storing said agent coupon data
electronically to and in data storage apparatus;

providing each agent coupon data with an identifier;

storing said agent coupon data in a
director/directory/image file arrangement; and

retrieving said electronically stored agent coupon
data and printing the same in the format of an agent coupon.

The examiner relies on the following references:

Industry Agents' Handbook (IAH), Section 70.0 (2000 Ed.).

Prior art submitted by appellant relating to events involving
Airlines Reporting Corporation, collectively referred to as ARC.

Claims 1-15, 17 and 18 stand rejected under 35 U.S.C.
§ 103(a) as being unpatentable over the prior art submitted by
appellant which has collectively been labeled ARC. The basis for
this rejection was quoted from a prior Board decision in making a
new ground of rejection against the claims in a prior appeal of
this application (Appeal No. 2004-2110, mailed January 25, 2005).

Rather than repeat the arguments of appellant or the
examiner, we make reference to the briefs and the answer for the
respective details thereof.

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Appeal No. 2006-1910
Application No. 09/910,654

OPINION

We have carefully considered the subject matter on appeal, the rejection advanced by the examiner and the evidence relied upon by the examiner as support for the rejection. We have, likewise, reviewed and taken into consideration, in reaching our decision, the appellant's arguments set forth in the briefs along with the examiner's rationale in support of the rejection and arguments in rebuttal set forth in the examiner's answer.

It is our view, after consideration of the record before us, that the evidence relied upon does support the rejection of the claims under 35 U.S.C. § 103(a). Accordingly, we affirm.

In rejecting claims under 35 U.S.C. § 103, it is incumbent upon the examiner to establish a factual basis to support the legal conclusion of obviousness. See In re Fine, 837 F.2d 1071, 1073, 5 USPQ2d 1596, 1598 (Fed. Cir. 1988). In so doing, the examiner is expected to make the factual determinations set forth in Graham v. John Deere Co., 383 U.S. 1, 17, 148 USPQ 459, 467 (1966). The examiner must articulate reasons for the examiner's decision. In re Lee, 277 F.3d 1338, 1342, 61 USPQ2d 1430, 1434 (Fed. Cir. 2002). In particular, the examiner must show that there is a teaching, motivation, or suggestion of a motivation to combine references relied on as

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evidence of obviousness. Id. 277 F.3d at 1343, 61 USPQ2d at 1433-34. The examiner cannot simply reach conclusions based on the examiner's own understanding or experience - or on his or her assessment of what would be basic knowledge or common sense. Rather, the examiner must point to some concrete evidence in the record in support of these findings. In re Zurko, 258 F.3d 1379, 1386, 59 USPQ2d 1693, 1697 (Fed. Cir. 2001). Thus the examiner must not only assure that the requisite findings are made, based on evidence of record, but must also explain the reasoning by which the findings are deemed to support the examiner's conclusion. However, a suggestion, teaching, or motivation to combine the relevant prior art teachings does not have to be found explicitly in the prior art, as the teaching, motivation, or suggestion may be implicit from the prior art as a whole, rather than expressly stated in the references. The test for an implicit showing is what the combined teachings, knowledge of one of ordinary skill in the art, and the nature of the problem to be solved as a whole would have suggested to those of ordinary skill in the art. In re Kahn, 441 F.3d 977, 987-88, 78 USPQ2d 1329, 1336 (Fed. Cir. 2006) citing In re Kotzab, 217 F.3d 1365, 1370, 55 USPQ2d 1313, 1316-17 (Fed. Cir. 2000). See also In re Thrift, 298 F. 3d 1357, 1363, 63 USPQ2d 2002, 2008 (Fed. Cir. 2002). These showings by the examiner are an essential part of

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complying with the burden of presenting a prima facie case of obviousness. Note In re Oetiker, 977 F.2d 1443, 1445, 24 USPQ2d 1443, 1444 (Fed. Cir. 1992). If that burden is met, the burden then shifts to the applicant to overcome the prima facie case with argument and/or evidence. Obviousness is then determined on the basis of the evidence as a whole and the relative persuasiveness of the arguments. See Id.; In re Hedges, 783 F.2d 1038, 1039, 228 USPQ 685, 686 (Fed. Cir. 1986); In re Piasecki, 745 F.2d 1468, 1472, 223 USPQ 785, 788 (Fed. Cir. 1984); and In re Rinehart, 531 F.2d 1048, 1052, 189 USPQ 143, 147 (CCPA 1976). Only those arguments actually made by appellant have been considered in this decision. Arguments which appellant could have made but chose not to make in the brief have not been considered and are deemed to be waived [see 37 CFR § 41.37(c)(1)(vii)(2004)].

As noted above, the basis for the examiner's rejection is the same as was set forth in the previous decision by the Board in this application. With respect to independent claims 1 and 15, which are the only claims argued by appellant in the briefs, appellant essentially makes the following arguments:

- 1) The examiner and the Board misconstrued the teachings of ARC with respect to the storing of an image of the agent

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coupon and the storing of agent coupon data. Specifically, appellant argues that ARC only discloses that the image of the agent coupon is stored, and not that the agent coupon data should be optically stored.

2) An image is not data and data is not an image, as the words are commonly used.

3) The finding of obviousness based on facsimile transmission is erroneous because facsimile transmission involves transmission of an image rather than data.

4) The finding of obviousness based on multimedia network transmissions is erroneous because the prior art would still not teach the step of generating the agent coupon data as claimed.

5) IAH completely prohibits the storage of data so that the portion of IAH cited by the examiner should be interpreted to mean that the copying of an image of the coupon to an electronic storage device is prohibited.

6) The examiner has failed to establish a prima facie case of obviousness.

7) ARC teaches away from the claimed invention because ARC wanted the image of the agent coupon to be stored and does not want the agent coupon data to be stored.

The examiner responds that appellant's arguments in the brief were already considered by the Board in the previous

decision. The examiner also notes that appellant's own specification states that data can include image format data and that claim 1 stores agent coupon data in an image file arrangement. The examiner asserts that the term "agent coupon data" is being given its broadest reasonable interpretation as required during patent prosecution. The examiner also responds that the preclusion of electronic storage by ARC does not teach away from the claimed invention because ARC is simply noting known alternative storage devices which they find unacceptable [answer, pages 4-8].

Appellant responds that IAH teaches that all supporting documents must be copied to microfiche film or to a non-magnetic optical medium, and that copying is not the same as storing because copying requires the presence of a physical document. Appellant notes that the claimed invention does not involve copying. Appellant also responds that the distinction between image and data was not addressed. Appellant reiterates that facsimile transmission or a multimedia network transmission does not transmit data which is then reconstructed as an image, but instead, transmits an image. Appellant also disputes the examiner's suggestion that appellant's specification states that an image of an agent coupon and agent coupon data are the same thing [reply brief, pages 3-6].

We will sustain the examiner's rejection of claims 1-15, 17, and 18. We first wish to address an apparent misunderstanding of the rejection by appellant. The rejection is based on the finding that ARC teaches the claimed invention except for the storing of agent coupon data in an electronic form. In other words, the Board found that ARC teaches the storage of agent coupon data in optical form. When an airline ticket is printed for a customer, the data associated with that ticket must have been simultaneously generated in order to print the airline ticket. ARC allows an agent coupon that is representative of that transaction to be stored as an optical image of the transaction. That optical image contains data that can be used to verify the details of the transaction. It is similar to a bank checking account statement that includes images of the checks handled rather than the cancelled checks themselves. The images of the cancelled checks include data, such as payee and amount of the check, so that the account holder can verify the statement. In other words, although the data for the checks is in the form of optical images of the checks, these images, nevertheless, convey data about the checks. In the same manner, the images of the agent coupon, that are taught by ARC, also convey data about the transaction. Therefore, the point of the rejection was that it would have been obvious to the artisan

to store the agent coupon data electronically in view of the fact that ARC already taught that the coupon data could be stored in image form. Thus, appellant's argument that there is a difference between image and data fundamentally misunderstands that an image can also convey data.

Although ARC precludes the electronic storage of the agent coupon data, this is not the type of disclosure that constitutes a teaching away. The concept of teaching away refers to a teaching that would lead the artisan to believe that the path taken would not be technically or operationally feasible. The teaching in ARC against electronic storage has nothing to do with technical or operational feasibility. ARC wanted an image of the agent coupon to replace the physical version of the agent coupon already in use. In other words, ARC wanted something they could still look at in the same manner as a physical agent coupon. The standard set forth by ARC, however, has nothing to do with obviousness under 35 U.S.C. § 103. In fact, we agree with the examiner that ARC teaches that it was known that the agent coupon data could be stored electronically, but that such storage would not be acceptable for their purposes. Thus, ARC specifically recognized that the agent coupon data could be stored electronically, but ARC chose not to permit this form of verification of the ticket information.

Even though ARC teaches that the agent coupon data could be stored electronically even though such storage would not be in compliance with their rules, we made reference to facsimile transmission and multimedia transmission to support our finding that it was conventional in the art to transmit image data in electronic form for subsequent conversion back into image data. We simply do not agree with appellant's argument that facsimile transmission or multimedia transmission of images is image data rather than electronic data. In such communications, the images are converted to electronic signals which are reassembled into images after they are received. Since the images convey data regarding the airline ticket, the electronic form of the image also conveys data. Therefore, we still find that the image of the agent coupon represents data so that the electronic version of the image also represents data.

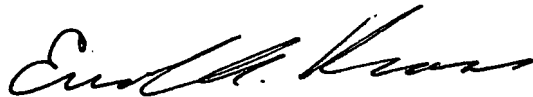
As noted above, our position is nothing more than a conclusion that it would have been obvious to the artisan to store the agent coupon image data as taught by ARC as electronic data because ARC recognized that such image data could also be stored electronically and because the artisan was familiar with converting image data into electronic data as required by facsimile and multimedia transmission.

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In summary, we have sustained the examiner's rejection of the claims on appeal. Therefore, the decision of the examiner rejecting claims 1-15, 17 and 18 is affirmed.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 CFR § 1.136(a)(1)(iv).

AFFIRMED



ERROL A. KRASS)
Administrative Patent Judge)



JERRY SMITH)
Administrative Patent Judge)



JOSEPH F. RUGGIERO)
Administrative Patent Judge)

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